

# Planning Committee

Tuesday 15 September 2015

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 15 September 2015 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Ashford (Vice Chairman)

Councillor Boad

Councillor Mrs Knight

Councillor Mrs Bunker

Councillor Morris

Councillor Cain

Councillor Mrs Stevens

Councillor Mrs Falp

Councillor Weed

Councillor Mrs Hill

## Emergency Procedure

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

## Agenda

### Part A – General

#### 1. Substitutes

To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

#### 2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 18 August 2015 **(To follow)**

**Part B – Planning Applications**

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

- |     |  |                                     |
|-----|--|-------------------------------------|
| 5.  | <b>W/15/1361 – Sydenham Industrial Estate, Sydenham Drive &amp; St Mary's Road, Royal Leamington Spa<br/>**Major Application**</b> | <b>(Item 5 /<br/>Pages 1 to 34)</b> |
| 6.  | <b>W/15/1244 - Opus 40, Birmingham Road, Warwick<br/>**Major Application**</b>   | <b>(Item 6 /<br/>Pages 1 to 14)</b> |
| 7.  | <b>W/15/1117 – 69 Rounds Hill, Kenilworth</b>  | <b>(Item 7/<br/>Pages 1 - 6)</b>    |
| 8.  | <b>W/15/1245 – 28 Park Road, Royal Leamington Spa</b>  | <b>(Item 8/<br/>Pages 1 - 6)</b>    |
| 9.  | <b>W/15/1036 – 17 Whitnash Road, Whitnash</b>  | <b>(Item 9/<br/>Pages 1 - 11)</b>   |
| 10. | <b>W/15/0996 – Sandall House Farm, Narrow Lane, Lowsonford</b>   | <b>(Item 10/<br/>Pages 1 - 6)</b>   |
| 11. | <b>W/15/0977 – Wroxall Abbey, Birmingham Road, Wroxall</b>   | <b>(Item 11/<br/>Pages 1- 6)</b>    |
| 12. | <b>W/15/1107 – Radford Barn, Valley Road, Radford Semele</b>   | <b>(Item 12/<br/>Pages 1 - 6)</b>   |
| 13. | <b>W15/1297 – Land at the Fosse, Eathorpe</b>  | <b>(Item 13/<br/>Pages 1 - 9)</b>   |
| 14. | <b>W/15/1138 – Bridge Garage, 162-163 Birmingham Road, Warwick</b>   | <b>(Item 14/<br/>Pages 1 - 13)</b>  |
| 15. | <b>TPO 490 – Former Ford Foundry car park r/o Myton Crofts, Warwick</b>  | <b>(Item 15/<br/>Pages 1 - 2)</b>   |
| 16. | <b>TPO 491 – Land adjacent 29 Dencer Drive, Kenilworth</b>   | <b>(Item 16/<br/>Pages 1 - 2)</b>   |

## Part C – Other matters

### Current Appeals Report

(To follow)

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications being put before the Committee. If you wish to do so, please call 01926 353362 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk), anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

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

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

You can e-mail the members of the Planning Committee at  
[planningcommittee@warwickdc.gov.uk](mailto:planningcommittee@warwickdc.gov.uk)

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



**Planning Committee:** 15 September 2015

**Item Number:** 5

**Application No:** [W 15 / 1361](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Rob Young

01926 456535 [rob.young@warwickdc.gov.uk](mailto:rob.young@warwickdc.gov.uk)

**Registration Date:** 25/08/15

**Expiry Date:** 24/11/15

**Sydenham Industrial Estate, Sydenham Drive & St Mary`s Road,  
Leamington Spa, CV31 1PH**

Outline planning application for the demolition of existing buildings and the erection of up to 88 no. affordable and up to 55 no. low cost dwellings (Class C3) to include siting and vehicular access from St Mary`s Road and Ramsey Road, with all other matters reserved for subsequent approval including landscaping, car parking, and all other ancillary and enabling works. FOR Orbit Group Ltd & CHS Developments Ltd

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This application is being presented to Committee because a similar scheme for residential development on this site was refused by Committee in November 2014 (Ref. W14/1132). This report has been brought before Committee at the earliest opportunity because of an impending public inquiry in relation to that previous refusal. It is important for a decision on the current application to be made before the deadline date for proofs of evidence for the inquiry to ensure that the Council does not incur unnecessary expense.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

This is an outline application for the redevelopment of the site for residential purposes to provide a total of 143 dwellings. This would consist of up to 88 affordable dwellings and up to 55 low cost market dwellings. The affordable dwellings would comprise 49 affordable rented units and 39 shared ownership units.

Whilst this is an outline application, details of access and layout have been provided. Details of appearance, landscaping and scale are reserved matters and so are not provided at this stage.

The proposed development would comprise predominantly terraced and semi-detached houses, with a small proportion of bungalows and flats. The application indicates a mix of 1, 2, 3 and 4 bedroom houses, flats and bungalows. The detailed housing mix would be confirmed at reserved matters stage. The Design and Access Statement submitted with the application indicates that the development will be predominantly two storey, with a small number of bungalows and three storey flats.

The proposed dwellings would be accessed off St. Mary's Road and Ramsey Road. The proposed layout includes an area of public open space alongside the canal.

The key differences between this revised scheme and the scheme that was refused planning permission in November 2014 are as follows:

- the acoustic fence along the northern boundary of Bellagio Stone has been increased in height from 2m to 3m;
- the applicants are willing to consider the use of mechanical ventilation for the plots fronting Ramsey Road, if found to be appropriate (this would be a significant enhancement to the noise mitigation measures currently proposed (acoustic trickle vents));
- an additional noise statement has been provided to respond to issues raised by Bellagio Stone;
- a survey is being undertaken to review the quantum of traffic on Ramsey Road; and
- the revised application is an outline application whereas the refused scheme was a full detailed application.

## **THE SITE AND ITS LOCATION**

The application relates to land forming the north-eastern corner of the Sydenham Industrial Estate. The site comprises an amalgamation of various different parcels of land and buildings that are now vacant. When occupied the buildings were used for a variety of purposes included light industrial, general industrial, warehousing and car sales and repairs. The existing buildings on the site are industrial buildings that are utilitarian in appearance.

The Grand Union Canal runs along the northern boundary of the site. There are houses on the opposite side of the canal. The land on the opposite side of the canal is situated within the Leamington Spa Conservation Area. Sydenham Drive runs along the eastern boundary of the site. There are houses, flats and the Stanley Court local shopping centre on the opposite side of Sydenham Drive. There is a wide grass verge separating the site from Sydenham Drive. St. Mary's Road runs along part of the southern boundary of the site. There are warehouse premises on the opposite side of St. Mary's Road.

The western boundary of the site has a rather more complex alignment. This boundary runs partly down Ramsey Road, but excludes the Magnet premises on the eastern side of the road. The boundary runs around the sides and rear of the Magnet site and then along Ramsey Road in front of Magnet to include some of the industrial buildings on the opposite side of the road. This part of the boundary runs along the northern side of the Bellagio Stone unit and along the eastern side of the former Elisabeth the Chef premises (now vacant).

The Bellagio Stone is used for general industrial purposes (Use Class B2). Magnet is a trade warehouse (Use Class B8). The Sydenham Industrial Estate continues on the opposite side of St. Mary's Road.

There are a number of trees and shrubs along the boundary with the canal. There are also a number of trees in front of the site on St. Mary's Road and Sydenham Drive (within the highway verge).

## **PLANNING HISTORY**

In November 2014 Planning Committee refused planning permission contrary to officer's recommendation for a residential development comprising 143 dwellings (Ref. W14/1132). The reason for refusal was as follows:

*"In the opinion of the Local Planning Authority, the proposed development would result in a detrimental impact on the amenities of the future occupants of the new residential units by virtue of their positioning close to commercial premises and the associated use of Ramsey Road and would impact upon the use of those commercial premises for employment purposes to their full extent contrary to the National Planning Policy Framework and the following Development Plan policies:*

### *The Warwick District Local Plan 1996 - 2011*

- *Policy DP1: Layout and Design;*
- *Policy DP2: Amenity;*
- *Policy DP6: Access; and*
- *Policy SC2: Protecting Employment Land and Buildings*

### *The Emerging Warwick District Local Plan 2011 - 2029*

- *Policy BE1: Layout and Design;*
- *Policy BE3: Amenity;*
- *Policy TR1: Access and Choice; and*
- *Policy EC3: Protecting Employment Land and Buildings."*

An appeal against the refusal has been submitted and that will be the subject of a public inquiry scheduled for November 2015.

In August 2015 outline planning permission was granted for the erection of 102 dwellings on part of the current application site (Ref. W15/0634). This excluded those parts of the current site that front onto Ramsey Road.

Prior to the above applications there had been a significant number of previous planning applications relating to the various industrial and car sales premises across the application site. However, none of these are relevant to the consideration of the current proposals.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS8, DS10, DS11, DS17, EC3, HO, H1, H2, H4, SC0, BE1, BE3, TR1, TR2, TR4, HS1, HS4, HS6, HS7, CC1, CC3, FW2, FW3, FW4, HE2, NE1, NE2, NE3, NE5, NE7, DM1 & DM2.
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

## **SUMMARY OF REPRESENTATIONS**

**Town Council:** Comments awaited.

**Public response:** No comments received at the time of writing this report.

**Natural England:** No comment.

**Inland Waterways Association:** No objection.

**WCC Fire & Rescue:** No objection, subject to a condition to require details of water supplies and fire hydrants.

**WCC Archaeology:** No objection.

**WCC Ecology:** The site is adjacent to Ecosite 22/36 and the Grand Union Canal potential Local Wildlife Site. Recommend that the development is set back at least 8m from the canal. Other than that, the findings of the applicant's Ecological Surveys report are accepted. Various conditions and informative notes are recommended in relation to protected species and ecological enhancements.

**WDC Housing Strategy:** Fully support this substantial proposal for affordable housing from one of the Council's preferred Registered Provider partners.

## **ASSESSMENT**

There was one reason for refusal of the previous application for residential development on this site (Ref. W14/1132) and therefore this report will focus on the issues of concern contained within that refusal reason. In relation to the other issues relevant to the consideration of this application there has been no material change in circumstances since the previous application was considered by Planning Committee in November 2014. Therefore the assessment in relation to those issues remains the same as set out in the November 2014 Committee Report which is attached as an Appendix to the current report.

Consequently the main issue to be considered in relation to this report is whether the proposals would create a satisfactory living environment for future occupants having regard to the presence of nearby commercial premises.

In assessing this issue, it is perhaps important to start with a reminder that the Council's Environmental Health and Planning Officers were satisfied that the scheme as considered in November 2014 was acceptable and would provide a satisfactory living environment for future occupants. Planning Committee took a different view, as they are entitled to do. However, the applicant has now submitted further noise evidence and enhanced noise mitigation measures which are considered to address the Planning Committee's concerns.

Firstly, the acoustic fence along the northern boundary of Bellagio Stone has been increased in height to provide enhanced acoustic mitigation for the proposed dwellings to the north of Bellagio Stone. From the comments made at previous Planning Committee meetings, it was evident that Members were particularly concerned about the noise environment for the proposed dwellings in this area. Consequently it is considered that this amendment directly addresses those concerns.

Secondly, the use of mechanical ventilation for the plots fronting Ramsey Road would represent a significant enhancement to the noise mitigation previously proposed for those properties. Acoustic trickle vents had previously been proposed.

Before considering these first two points, it is important to remember that the Council's Environmental Health Officer had accepted that the previous mitigation measures were adequate. However, the measures previously proposed were clearly not sufficient to address the concerns of the previous Planning Committee. The amendments to include a taller acoustic fence to protect some

plots and mechanical ventilation to protect others now represents a significant enhancement to the acoustic mitigation measures. These enhanced measures further improve the noise environment for the proposed dwellings and therefore this should address the concerns of the previous Planning Committee.

The applicant has also submitted a further noise statement which responds to the criticisms made by Bellagio Stone over the course of the 2 previous applications. This provides further evidence to demonstrate that the layout of the development together with the proposed noise mitigation measures will secure a satisfactory living environment for future occupants. The noise evidence submitted by the applicant is now considered to be stronger and deals adequately with all of the issues that have been raised. This has been accepted by the Council's Environmental Health Officer.

The previous Planning Committee also raised concerns about commercial vehicle movements along Ramsey Road. In response, the applicant is undertaking a survey to review the quantum of traffic on Ramsey Road. The results will be included in the addendum report to Committee. It is expected that this will demonstrate that commercial vehicle movements along this road are infrequent at present and probably a lot less frequent than Planning Committee may have feared. There is unlikely to be any material increase in commercial vehicle movements above this level in the future because, other than Bellagio Stone and Magnet, the other commercial premises are within the application site and so are to be redeveloped for residential purposes.

Another change in circumstances since the previous application was considered in November 2014 is that the need for housing is now more acute. Whilst the Council were unable to demonstrate a 5 year supply of housing land in November 2014, it was the Council's position at that time that the sites allocated in the Draft Local Plan would amount to a 5 year supply when approved. However, since then the initial hearings of the Local Plan Examination have been held and the Inspector has written to the Council advising that he considers the housing allocations in the Draft Local Plan to be insufficient. The current application site is included as an allocation in the Draft Local Plan and therefore if planning permission was not to be granted for residential development on this site the Council would have to find further land to allocate elsewhere (probably greenfield land).

## **SUMMARY / CONCLUSION**

Drawing the above matters together, it is apparent that the balance in the assessment of this application has moved further in favour of a grant of planning permission since the previous application was considered by Planning Committee in November 2014. Officers were of the view that the previous scheme was acceptable and recommended approval. In view of the further evidence and enhanced noise mitigation measures and the situation in which the Council currently finds itself in relation to housing land supply, it is considered that there is now a stronger case in favour of the proposals, sufficient to justify Planning Committee taking a different decision this time around. Therefore it is recommended that planning permission is granted.

## **CONDITIONS**

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

- (a) scale
- (b) appearance
- (c) landscaping

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

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.  
**REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing 2894-29G and specification contained therein, submitted on 25 August 2015. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 5 No development shall commence until details of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **REASON:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy DP11 of the Warwick District Local Plan 1996-2011.
- 6 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no

excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 7 The development shall not begin until a scheme detailing the affordable housing provisions has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- (a) the tenure split;
- (b) the arrangements for the management of the affordable housing;
- (c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**REASON:** To meet the requirements of Policy SC11 of the Warwick District Local Plan 1996-2011.

- 8 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority.

**REASON:** In the interests of fire safety.

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



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

No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

**REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

- 10 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

**REASON:** To ensure the protection of controlled waters and to prevent pollution in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011.

- 11 No development shall commence until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 12 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the office building to the rear of Building 7 (as annotated in the Ecological Surveys report produced by Crestwood Environmental Ltd and dated 18 December 2013). All roofing material on this building is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works shall be implemented within the timescales agreed between the bat worker and the Warwickshire County Council Ecology / Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 13 No development shall commence until a scheme detailing arrangements to protect residents of the development from excessive traffic and industrial noise entering habitable rooms and the provision of quiet garden areas shielded from road and industrial noise has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic and industrial noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 14 No development shall take place until details of the design; appearance and exact location of the proposed bollards/barriers to prevent vehicles entering the canal have first been submitted to and agreed in writing by the local planning authority. This shall include details of the timing of installation of the bollards/barriers. The bollards/barriers shall be installed in strict accordance with the approved details and timescales

and shall be retained at all times thereafter. **REASON:** To ensure the provision of suitably designed barriers in the interests of safety and to protect users on the canal, the integrity of the canal infrastructure and to prevent a detrimental impact on the appearance of the canal, in accordance with Policy DP1 of Warwick District Local Plan.

- 15 The development shall not begin until a scheme detailing the laying out and future management of the public open space within the site has been submitted to and approved in writing by the local planning authority. The public open space shall be laid out and maintained in accordance with the approved scheme. The scheme shall include:

- (a) arrangements for the future management and maintenance of the public open space; and
- (b) details of how public access will be provided to the public open space in perpetuity.

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

- 16 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; 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; measures to limit noise and disturbance; a construction phasing plan; and a HGV routing plan.

**REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

- 17 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the District Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. **REASON:** To ensure preferential pathways are not created to mobilise contaminants into the underlying groundwater, in accordance with the Policy DP9 in the Warwick District Local Plan 1996-2011.

- 18 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site

where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. **REASON:** To protect Controlled Waters and linked receptors, in accordance with Policy DP9 of the Warwick District Local Plan.

- 19 The development shall be carried out in accordance with the Flood Risk Assessment ref. C6247-01 Rev A by Couch Consulting Engineers that was submitted on 25 August 2015. **REASON:** To minimise the risk of flooding on site and elsewhere, in accordance with the National Planning Policy Framework.
- 20 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of 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 similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 21 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests

of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 22 The development shall be carried out only in full accordance with sample details of all facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority.  
**REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 23 The development hereby permitted shall be built to Code for Sustainable Homes Level 3. **REASON:** Since the application has been approved without 10% renewable energy production on the basis that the development is built to Code for Sustainable Homes Level 3, in accordance with the requirements of Local Plan Policy DP13.
- 24 None of the flats hereby permitted shall be occupied until the bin store for that flat has been constructed in strict accordance with the plans approved under any reserved matters submission. The bin stores shall be retained and kept available for the storage of refuse and recycling at all times thereafter. **REASON :** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 25 None of the flats hereby permitted shall be occupied until the cycle parking provision for that flat has been constructed in strict accordance with the plans to be approved under any reserved matters submission. The cycle stores shall thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development. **REASON :** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 26 The dwellings hereby permitted shall be designed and constructed to ensure that internal noise levels do not exceed the following levels between 0700 hours and 2300 hours:
- 35 dB LAeq,16hour within living rooms;
  - 40 dB LAeq,16hour within dining rooms; and
  - 35 dB LAeq,16hour within bedrooms.

The dwellings hereby permitted shall be designed and constructed to ensure that internal noise levels do not exceed the following levels between 2300 hours and 0700 hours:

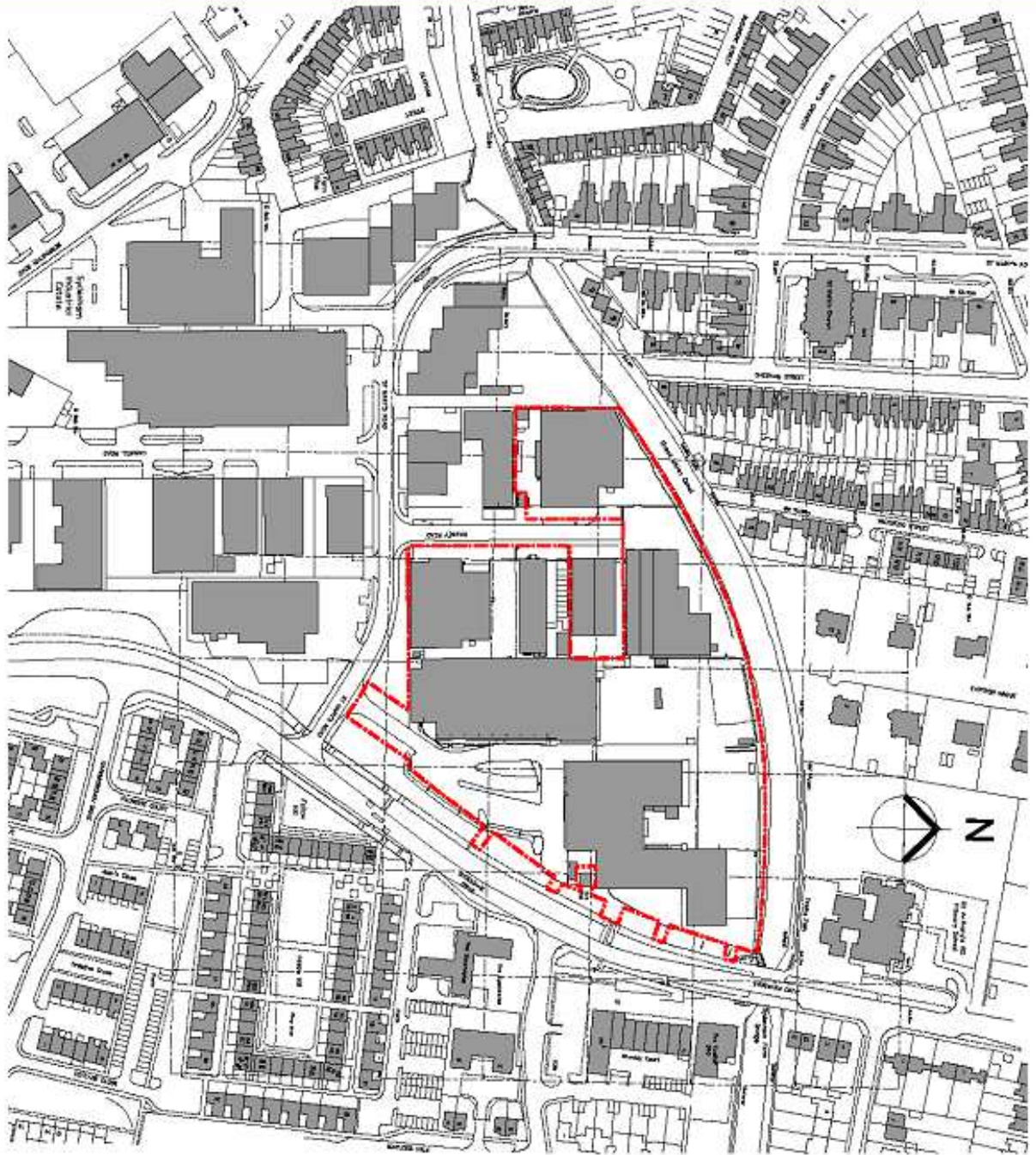
- 30dB LAeq,8hour within bedrooms, with the maximum instantaneous noise level not exceeding 45dB L<sub>Amax</sub>,fast (Night-time L<sub>Amax</sub> as prescribed by WHO Guidelines for Community Noise, 1999).

The external noise level in all private gardens of the dwellings hereby permitted shall not exceed 50dB LAeq,t between 0700 hours and 2300 hours.

**REASON:** To provide a satisfactory living environment for future occupants of the proposed dwellings, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 27 Best practicable means shall be employed at all times to control noise and dust on the site. Work which is likely to give rise to noise nuisance shall not take place before 0730 hours or after 1700 hours on Mondays to Fridays or before 0730 hours or after 1300 hours on Saturdays. No construction work shall take place on Sundays or Bank Holidays. Delivery vehicles shall not be permitted to arrive on site before 0800 hours or after 1630 hours on Mondays to Fridays or before 0800 hours or after 1300 hours on Saturdays. No deliveries shall be permitted to arrive on site on Sundays or Bank Holidays. **REASON:** To protect the living conditions of nearby residents, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.
- 28 The dwellings on plots 70-86 shall not be occupied before 1 November 2017. **REASON:** To allow Bellagio Stone time to consider whether they wish to relocate from their current premises.
- 29 None of the dwellings hereby permitted shall be occupied until the car parking and manoeuvring areas indicated on the approved drawings for that dwelling have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 30 Prior to the occupation of the dwellings on plots 23, 34, 66, 69 & 97, the first floor windows in the side elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON :** To protect the privacy of users and occupiers of nearby properties and the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.
- 31 No heavy goods vehicles associated with the construction of the dwellings hereby permitted shall be permitted to enter or leave the site between 0700 hours and 0930 hours or between 1500 hours and 1700 hours on Mondays to Fridays. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 32 None of the dwellings hereby permitted shall be occupied until a Green

Travel Plan to promote sustainable travel to and from the site has been submitted to and approved in writing by the local planning authority. The approved Green Travel Plan shall thereafter be implemented in full and shall not be withdrawn or amended in any way without the prior written approval of the local planning authority. **REASON:** In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC12 & SC4 of the Warwick District Local Plan 1996-2011.



<b>Deeley Group</b> Residential Development 2000-2001-24		<b>Deeley Group</b> Residential Development 2000-2001-24	
<b>PROJECT TITLE</b> RESIDENTIAL DEVELOPMENT 2000-2001-24		<b>PROJECT TITLE</b> RESIDENTIAL DEVELOPMENT 2000-2001-24	
<b>SITE LOCATION</b> 2000-2001-24		<b>SITE LOCATION</b> 2000-2001-24	
<b>SCALE</b> 1:1250		<b>SCALE</b> 1:1250	
<b>DATE</b> MARCH 2014		<b>DATE</b> MARCH 2014	
<b>REVISED</b> 2000-2001-24		<b>REVISED</b> 2000-2001-24	





## **APPENDIX - COMMITTEE REPORT FOR THE PREVIOUS APPLICATION**

**Planning Committee:** 11 November 2014

**Item Number:**

**Application No:** W 14 / 1132

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Rob Young

**Registration Date:** 25/07/14

**Expiry Date:** 01/12/14

01926 456535 rob.young@warwickdc.gov.uk

### **Sydenham Industrial Estate, Sydenham Drive and St Mary's Road, Leamington Spa, CV31 1PG**

Full planning application for the erection of 88 no. affordable and 55 no. low cost market dwellings (Use Class C3) served by vehicular access from St Mary's Road and Ramsey Road; associated car parking; landscaping; open space; and other ancillary and enabling works (resubmission of W/14/0446) FOR Orbit Group Ltd & CHS Developments Ltd

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

### **RECOMMENDATION**

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

### **DETAILS OF THE DEVELOPMENT**

*The application proposes the redevelopment of the site for residential purposes to provide a total of 143 dwellings. This would consist of 88 affordable dwellings and 55 low cost market dwellings. The affordable dwellings would comprise 49 affordable rented units and 39 shared ownership units.*

*The development would include a predominantly two storey, terraced and semi-detached houses, with a small proportion of bungalows and two and three storey flats. The affordable units would include a mix of 1, 2, 3 and 4 bedroom houses, flats and bungalows. The low cost market units would comprise a mix of 1, 2 and 3 bedroom houses and flats.*

*The proposed dwellings would be accessed off St. Mary's Road and Ramsey Road. The proposed layout includes an area of public open space alongside the canal.*

*The following amendments have been made to the application:*

- *layout amended so that the dwellings generally front onto surrounding streets, the canal and streets within the development;*

- single aspect flats on the northern side of Bellagio Stone merged into a single building to create a continuous noise barrier;
- dwellings opposite Bellagio Stone redesigned to ensure that the main "living" rooms (e.g. lounges and bedrooms) all have their main windows in the rear elevation, i.e. facing away from Bellagio Stone;
- increase in the size of the proposed public open space and a subsequent reduction in the number of dwellings from 147 to 143 together with a change to the mix of affordable and market units;
- confirmation that all of the existing trees along the boundary with the canal will be retained;
- increase in length of rear gardens for the houses backing on to the Magnet premises (an adjoining warehouse unit);
- increase in the size of the bin store for the flats;
- affordable housing spread more evenly across the site;
- road layout amended to address issues raised by the Highway Authority; and
- updated Noise Assessments submitted.

### **THE SITE AND ITS LOCATION**

*The application relates to land forming the north-eastern corner of the Sydenham Industrial Estate. The site comprises an amalgamation of various different parcels of land and buildings that are now largely vacant. When fully occupied the buildings were used for a variety of purposes included light industrial, general industrial, warehousing and car sales and repairs. The existing buildings on the site are industrial buildings that are utilitarian in appearance.*

*Some occupiers remain on site, but the applicant advises that these are all on short term leases that have either already expired or will expire this year. This includes occupiers using premises for storing scaffolding equipment, for car sales and as a haulage yard. There are also two charitable organisations occupying premises on a grace and favour basis: Christian Mission and Agenda 21. The applicant advises that Agenda 21 also have an illegal sub-tenant operating as Greengeek Ltd.*

*The Grand Union Canal runs along the northern boundary of the site. There are houses on the opposite side of the canal. The land on the opposite side of the canal is situated within the Leamington Spa Conservation Area. Sydenham Drive runs along the eastern boundary of the site. There are houses, flats and the Stanley Court local shopping centre on the opposite side of Sydenham Drive. There is a wide grass verge separating the site from Sydenham Drive. St. Mary's Road runs along part of the southern boundary of the site. There are warehouse premises on the opposite side of St. Mary's Road.*

*The western boundary of the site has a rather more complex alignment. This boundary runs partly down Ramsey Road, but excludes the Magnet premises on the eastern side of the road. The boundary runs around the sides and rear of the Magnet site and then along Ramsey Road in front of Magnet to include some of the industrial buildings on the opposite side of the road. This part of the boundary runs along the northern side of the Bellagio Stone unit and along the eastern side of the former Elisabeth the Chef premises (now vacant).*

*The Bellagio Stone is used for general industrial purposes (Use Class B2). Magnet is a trade warehouse (Use Class B8). The Sydenham Industrial Estate continues on the opposite side of St. Mary's Road.*

*There are a number of trees and shrubs along the boundary with the canal. There are also a number of trees in front of the site on St. Mary's Road and Sydenham Drive (within the highway verge).*

## **PLANNING HISTORY**

*There have been a significant number of previous planning applications relating to the various industrial and car sales premises across the application site. However, none of these are relevant to the consideration of the current proposals.*

## **RELEVANT POLICIES**

- *DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)*
- *SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)*
- *SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)*
- *Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS8, DS10, DS11, DS17, EC3, HO, H1, H2, H4, SC0, BE1, BE3, TR1, TR2, TR4, HS1, HS4, HS6, HS7, CC1, CC3, FW2, FW3, FW4, HE2, NE1, NE2, NE3, NE5, NE7, DM1 & DM2.*
- *DP5 - Density (Warwick District Local Plan 1996 - 2011)*
- *Residential Design Guide (Supplementary Planning Guidance - April 2008)*
- *DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)*
- *DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)*
- *DP11 - Drainage (Warwick District Local Plan 1996 - 2011)*
- *DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)*
- *DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)*
- *UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)*
- *SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)*
- *DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)*
- *SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)*
- *SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)*
- *National Planning Policy Framework*
- *DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)*
- *DP2 - Amenity (Warwick District Local Plan 1996 - 2011)*
- *DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)*
- *DP6 - Access (Warwick District Local Plan 1996 - 2011)*
- *DP8 - Parking (Warwick District Local Plan 1996 - 2011)*
- *Sustainable Buildings (Supplementary Planning Document - December 2008)*
- *Distance Separation (Supplementary Planning Guidance)*

- *The 45 Degree Guideline (Supplementary Planning Guidance)*
- *Vehicle Parking Standards (Supplementary Planning Document)*
- *Open Space (Supplementary Planning Document - June 2009)*
- *Affordable Housing (Supplementary Planning Document - January 2008)*
- *Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)*
- *Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)*

## **SUMMARY OF REPRESENTATIONS**

**Town Council:** *No objection. The Town Council welcomes the revised proposal but would like to see the inclusion of provision for allotments.*

**Public response:** *33 objections and 7 representations in support have been received.*

*The objections are from nearby residents as well from the occupier of the adjacent Bellagio Stone industrial premises. Objections have also been received from Action 21 and Greengeek Ltd (who currently occupy premises within the application site).*

*Local residents have raised the following concerns:*

- *the three storey flats in the skyline view of Chesham Street and Waterloo Street would detract from the character and appearance of the Conservation Area;*
- *the flats should be relocated to the Sydenham Drive frontage;*
- *there is no need for the flats;*
- *more bungalows are needed;*
- *social rented homes are already well catered for in this area;*
- *the development is all low cost / affordable, there is little mix of housing type;*
- *the houses opposite Chesham Street and Waterloo Street should be set back further (as far as they are set back opposite Eastnor Grove);*
- *loss of privacy;*
- *overlooking of the houses in Chesham Street and Waterloo Street;*
- *increased traffic, particularly along St. Mary's Road;*
- *the site access should be direct from Sydenham Drive;*
- *detrimental to highway safety;*
- *insufficient parking;*
- *more green space should be included;*
- *allotments should be provided;*
- *loss of trees and other vegetation along the canal;*
- *harmful ecological impact;*
- *overdevelopment;*
- *harm to the character and appearance of the area;*
- *flood risk;*
- *pollution of the canal;*
- *detrimental impact on the future operation of adjacent businesses;*

- the houses and flats adjacent to Bellagio Stone would suffer from poor living conditions;
- noise from increased traffic and from construction activities; and
- existing facilities cannot cope with this number of new dwellings.

The occupier of the adjacent Bellagio Stone premises has raised the following concerns:

- the company is growing and is making an important contribution to the local economy, employing 30 people;
- the company is keen to expand further;
- their premises benefit from unrestricted B2 use (general industrial);
- typical working hours are 6am to midnight weekdays but it has been increasingly necessary to continue production at weekends and bank holidays and in the early hours of the morning;
- a B2 use is, by definition, unacceptable in a residential area;
- the proposals represent inappropriate piecemeal development;
- the industrial estate should be redeveloped in a comprehensive manner;
- the applicant's noise report is flawed;
- the noise generated by Bellagio Stone would have a serious and adverse impact upon residential amenity;
- the Council required Bellagio Stone to relocate from their previous property due to noise complaints from neighbouring residents;
- if the proposed houses are built this will result in the company having restrictions imposed on them by Environmental Health and this will have a severe and detrimental impact on their business and their employees;
- the existing industrial premises would represent a very poor outlook for the proposed dwellings;
- deliveries to Bellagio Stone and Magnet are on HGVs and cranes and these will cause further noise, disturbance, inconvenience and traffic congestion for the new residents; and
- harm to pedestrian safety, particularly children, due to the lack of division between industrial and residential road users.

In response to the suggestion of a condition prohibiting occupation of the nearest dwellings for 3 years, the occupier of Bellagio Stone has commented as follows:

- Bellagio Stone have been advised by their solicitors that their lease can be extended and so there will not be a scenario where they have to vacate the premises after the current lease expires, unless they are forced to do so by Environmental Health and frictions with local residents;
- the suggested condition would be unlawful because it relates to issues of land ownership and leases, which are not material planning considerations;
- the applicants have no control over what happens with the occupation of the Bellagio Stone unit;
- the condition does not change the fact that the Bellagio Stone would continue to have a lawful use for B2 purposes and this would be inappropriate in a residential area;
- Bellagio Stone have invested thousands in the property with the latest technology in machinery; there is no doubt that they want to remain there;



- *granting planning permission will effectively blight Bellagio Stone's business and force them out;*
- *the suggested condition does not assist Bellagio Stone and places a restriction on them, whether they are directly referred to or not;*
- *this is poor planning; the industrial area should be comprehensively developed or left as it is; and*
- *the door is open for the applicant to secure the relocation of Bellagio Stone; that would be the proper way to conduct business.*

*Action 21 have raised the following concerns:*

- *Action 21 are a charity operating a re-use and recycling facility;*
- *as a charity they cannot afford the costs of acquiring and relocating to alternative premises;*
- *the proposals would therefore detrimentally affect the reduction in waste going to landfill currently achieved by Action 21; and*
- *they request a contribution of £80,000 from the developer to assist with their relocation costs.*

*Another organisation, Greengeek Ltd, who describe themselves as a social enterprise, have submitted similar comments to those of Action 21.*

*The 7 supporters make the following comments in support of the development:*

- *re-use of land such as this is much better than expanding the town outwards;*
- *provision of affordable housing;*
- *there are plenty of facilities nearby for residents; and*
- *the proposals will improve the appearance of the area.*

**St. Marys Residents Association:** *Raise concerns about the volume of traffic using St. Mary's Road, particularly lorries.*

**Natural England:** *No objection.*

**Environment Agency:** *No objection, subject to conditions.*

**Severn Trent Water:** *No objection, subject to a condition to require drainage details.*

**Warwickshire Police:** *No objection. Make detailed recommendations in relation to security measures.*

**Canal and River Trust:** *No objection, subject to conditions.*

**Inland Waterways Association:** *No objection to the low cost and affordable housing proposed and the public open space but are saddened to see no innovative or more attractive design features incorporated into the proposed buildings which would tie the estate into the surrounding community and enhance the area both visually and technologically.*

**South Warwickshire NHS Trust:** *Request a contribution of £1,678 per dwelling towards acute and community healthcare facilities.*

**WCC Highways:** No objection, subject to conditions and a contribution of £75 per dwelling towards the provision of sustainable travel packs. Confirm that the proposed development will result in a decrease in traffic compared with the current lawful use of the site (if fully occupied).

**WCC Fire & Rescue:** No objection, subject to a condition to require details of water supplies and fire hydrants.

**WCC Ecology:** The site is adjacent to Ecosite 22/36 and the Grand Union Canal potential Local Wildlife Site. Recommend that the development is set back at least 8m from the canal. Other than that, the findings of the applicant's Ecological Surveys report are accepted. Various conditions and informative notes are recommended in relation to protected species and ecological enhancements.

**WCC Archaeology:** No comment.

**WDC Environmental Health:** Whilst Environmental Health initially objected to the application, they have subsequently withdrawn that objection following the submission of further noise assessments and amendments to the application. Environmental Health have advised that the frequent exceedances of maximum noise levels during the night for Plots 77-86 are far from ideal and can be attributed to the poor compatibility between residential and industrial uses as proposed in this scheme. However, they advise that the Noise Assessments demonstrate that even Plots 77-86 will be broadly compliant with their stipulated noise criteria. As a result, Environmental Health have advised that they can no longer maintain their objection. Conditions are recommended in relation to noise.

Environmental Health also make other detailed comments in relation to air quality, contamination and construction noise and recommended that conditions are imposed to address all of these issues.

**WDC Housing Strategy:** Fully support this substantial proposal for affordable housing from one of the Council's preferred Registered Provider partners.

**WDC Waste Management:** No objection. Make detailed comments about provision for refuse and recycling storage and collection.

**WDC Tree Officer:** No objection.

## **ASSESSMENT**

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

- loss of employment land and the principle of development;
- the impact on the living conditions of nearby dwellings;
- provision of a satisfactory living environment for future occupants of the proposed dwellings;
- impact on the character and appearance of the area and the setting of the nearby Conservation Area;
- car parking and highway safety;



- the mix of market and affordable housing;
- Section 106 contributions;
- public open space;
- impact on trees;
- ecological impact;
- impact on existing occupiers on the application site; and
- health and wellbeing.

### **Loss of employment land and the principle of development**

*Local Plan Policy SC2 states that redevelopment or change of use of existing and committed employment land and buildings for other uses will not be permitted unless one of four criteria are met. Criterion (d) is not relevant because it relates to proposed non-housing uses. The other criteria are:*

*(a) the location and / or nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses, and an applicant can demonstrate that it would not be desirable to seek to replace this with any other employment use; or*

*(b) the applicant can demonstrate that there are valid reasons why the use of a site for the existing or another employment use is not economically viable; or*

*(c) the proposal is for affordable housing provided in accordance with the definition contained in policy SC11.*

*In assessing the proposals against Policy SC2, it is first important to note that a large part of the site has a lawful use for car sales, which is not an employment use. Therefore Policy SC2 does not strictly apply to that part of the site.*

*Criterion (c) of Policy SC2 allows for affordable housing schemes to be constructed on employment sites. However, whilst the applicant is an affordable housing provider, the scheme proposed is not 100% affordable housing as defined in the NPPF. A proportion of the units are market housing, albeit these will be relatively low cost market houses. Therefore the proposals do not fully comply with the exemption in Criterion (c).*

*The Council's Employment Land Review in 2013 identified the northern part of the Sydenham Industrial Estate (including the current application site) as being potentially suitable for a housing-led redevelopment. This stated as follows:*

*The estate appears tired and has a high level of vacancies, most notably the northern half of the estate. Residential areas adjoin to the north and east. Potential for rationalisation and consolidation of the estate and redevelopment of the northern half of the estate for residential led development.*

*The proposals outlined in the Employment Lane Review have been taken forward in the Draft Local Plan. Under Policy DS8, paragraph 2.28 states that the Council has undertaken a review of industrial estates within the District and identified certain areas as being less capable of providing the right type or location of*

employment land to meet future business needs. The Sydenham Industrial Estate is referred to as one such area. In addition to this, the majority of the current application site is included as a housing allocation under Policy DS11 of the Draft Local Plan.

Whilst only limited weight can be attached to the Draft Local Plan at this stage, the proposals that it contains in relation to the Sydenham Industrial Estate and the current application site in particular do indicate that this area should be considered suitable for a residential redevelopment. The findings of the Employment Land Review are also a material consideration that should inform any assessment against Policy SC2.

Taking all of the above factors into account, and considering the fact that the majority of the proposed dwellings would meet the NPPF definition of affordable housing, it is concluded that the proposals would comply with criterion (b) of policy SC2 as well as partially complying with Criterion (c).

Now that compliance with Policy SC2 has been established, the proposals must be assessed against Local Plan Policy UAP1.

The application site comprises previously developed land within the urban area. Therefore the proposals would be in accordance with Local Plan Policy UAP1.

### **Impact on the living conditions of nearby dwellings**

The proposed dwellings would be situated well away from the nearest existing dwellings. The separation distances would be well in excess of the minimum distances required by the Council's Distance Separation Guidelines. The closest relationship would be between the gable ends of the two storey dwellings in the north-western corner of the site and the existing houses on the opposite side of the canal (at the end of Chesham Street and Waterloo Street). This separation distance would be 31.5m. The separation distances from existing dwellings are considered to be more than adequate to ensure that the proposed development will not cause unacceptable loss of light, loss of outlook or loss of privacy for nearby dwellings.

Objectors have raised particular concerns about the 3 storey block of flats in the north-western corner of the site. However, these flats would be over 60m from the existing dwellings, with the canal, trees and proposed houses in between. Therefore the flats would not cause any loss of light, loss of outlook or loss of privacy for existing dwellings.

For the above reasons it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings.

### **Provision of a satisfactory living environment for future occupants of the proposed dwellings**

The site adjoins existing industrial and warehouse premises. Whilst some of these premises are currently vacant, some are occupied, including two units that adjoin the boundary of the application site. These are Magnet, a trade warehouse premises, and Bellagio Stone, a stone surface manufacturer.

*A Noise Assessment was submitted with the application. This confirmed that Bellagio Stone is the most significant source of noise in the vicinity of the site. Further assessments have been carried out and submitted at the request of Environmental Health to ensure that the assessment captures the "worst case" scenario for the operation of Bellagio Stone, including working through the night.*

*As a result of these further Noise Assessments, the design and layout of the dwellings nearest to Bellagio Stone have been amended to provide further noise mitigation. This includes joining the two blocks of single-aspect flats on the northern side of Bellagio Stone into a single continuous block to create an enhanced noise barrier. Furthermore, the proposed dwellings that would face Bellagio Stone from the opposite side of Ramsey Road have been redesigned to ensure that all of the main "living" rooms (e.g. lounges and bedrooms) have windows in the rear elevation. As a result, the windows in the front elevations of those dwellings (serving kitchens, bathrooms, hallways and landings) will not need to be opened by residents. These dwellings have also been set back from Ramsey Road behind a landscape strip.*

*Whilst Environmental Health initially objected to the application, they have subsequently withdrawn that objection following the submission of further noise assessments and amendments to the application. The Noise Assessments demonstrate that the standards for maximum noise levels within habitable rooms that have been specified by Environmental Health would be met in full for all of the proposed dwellings except for plots 77-86. The data demonstrates that these plots would be broadly compliant, but that the maximum noise levels ( $L_{Amax}$ ) are likely to be exceeded between 2-10 times during the night. Of course this is all assuming that Bellagio Stone operate through the night and create the same noise levels at night that they generate during the day; that was the worst case scenario that Environmental Health required to be assessed.*

*The WHO Guidelines for Community Noise (1999) state that maximum noise levels ( $L_{Amax}$ ) should not be exceeded more than 10-15 times per night, although the guidelines also state that these events should be avoided and that noise levels lower than these may still be disturbing depending on the nature of the noise source.*

*Environmental Health have advised that the frequent exceedances of maximum noise levels during the night for Plots 77-86 are far from ideal and can be attributed to the poor compatibility between residential and industrial uses as proposed in this scheme. However, they advise that the Noise Assessments demonstrate that even Plots 77-86 will be broadly compliant with their stipulated noise criteria. As a result, Environmental Health have advised that they can no longer maintain their objection.*

*Based on the advice from Environmental Health, a refusal of planning permission would not be justified on "technical" noise grounds. However, it is still necessary to assess whether the proposed juxtaposition of existing and proposed uses is appropriate in planning terms. As a general rule, it would normally be considered undesirable to have housing in close proximity to noisy industrial premises such as Bellagio Stone. This matter also requires particularly careful assessment in*

*the current case due to the history of noise complaints associated with the business in question.*

*Bellagio Stone previously occupied premises elsewhere on Sydenham Industrial Estate, at Units 6 and 7 St. Mary's Road. That resulted in noise complaints from nearby residents. Environmental Health issued a Noise Abatement Notice. Also, as those premises only had planning permission for light industrial use (Use Class B1), the Council took planning enforcement action to require them to vacate that site in 2009. As a result, they relocated to their current premises, which had the necessary planning permission for general industrial use and is situated further away from dwellings.*

*Bellagio Stone have objected to the current application. Their concerns are summarised in the "Summary of Representations" section above. This includes concerns about the impact of noise from their operation on future residents and concerns about the restrictions that would be imposed on the operation of their business due to dwellings being constructed so close.*

*The relationship between the proposed development and the Magnet premises is also not ideal, with the application site boundary adjoining three sides of the Magnet site as well as continuing on the opposite side of Ramsey Road. The proposed layout shows dwellings adjoining the southern and eastern boundaries of the Magnet site and further dwellings facing Magnet from the opposite side of Ramsey Road. However, the Noise Assessment indicates that Magnet generates much less noise than Bellagio Stone and so noise itself is less of an issue. That is to be expected given that Magnet is a warehouse use (Use Class B8), rather than general industrial (Use Class B2). Nevertheless, deliveries and commercial activities associated with Magnet still have the potential to be intrusive in close proximity to the proposed dwellings.*

*Ideally the redevelopment of this area would come forward in a comprehensive manner. This would avoid potentially awkward relationships between industrial and residential premises. However, the applicant advises that this is not possible in the current case. The application relates to the extent of land that the applicant has been able to assemble, resulting in the rather convoluted site boundary "wrapping around" the Magnet site and abutting the Bellagio Stone site. The applicant advises that approaches have been made to adjoining occupiers in an attempt to facilitate a comprehensive redevelopment, but these have been unsuccessful. In fact, Magnet has recently signed a new 10 year lease on their premises. As a result, the applicant's argument is that a refusal of planning permission would not facilitate the comprehensive redevelopment of the area, it would merely result in the application site remaining vacant and the opportunity to secure a substantial amount of affordable housing would be missed.*

*This brings us to the crux of this issue. The issue turns on a balance between the negative aspects associated with this being a rather piecemeal development, balanced against the benefits of securing a substantial amount of affordable housing. This balancing exercise must be undertaken against the backdrop of a lack of a five year supply of housing land and a significant unmet need for affordable housing. In such circumstances, paragraph 14 of the NPPF dictates that there should be a presumption in favour of sustainable development.*

*However, it is important to remember here that meeting housing needs is just one aspect of sustainable development. Creating a satisfactory living environment is also an aspect of sustainable development, as is the promotion of economic development and supporting existing businesses. Therefore the judgement cannot be that the provision of affordable housing inevitably outweighs all other factors.*

*Nevertheless, the provision of a substantial amount of affordable housing is a significant benefit that weighs heavily in favour of granting permission. This benefit is of particular significance because it assists in meeting one of the Council's key priorities, the provision of affordable housing, as reflected in the current Local Plan and the Draft Local Plan. The land ownership issues represent a major barrier to achieving a comprehensive redevelopment at the present time. However, it may well be that granting planning permission for the current scheme would act as a catalyst for the other sites coming forward for redevelopment.*

*It is understood that Bellagio Stone's current lease expires in October 2017. Whilst land ownership and private leases are not strictly relevant to the assessment of planning applications, this does give an indication that the particular noise issues associated with that site may not continue in the medium / long term. It is important to remember that the Bellagio Stone unit has an unrestricted general industrial planning permission and therefore, even if the current occupier vacated the site, there would be nothing to stop a similarly noisy business occupying the premises in future. Nevertheless, any future prospective occupier of that unit would be aware of the close proximity of the new dwellings when they decide whether to occupy the premises. Similarly, Bellagio Stone would be aware of the situation when deciding whether to extend their lease.*

*This is not to diminish in any way the potential impact on Bellagio Stone's business or the disruption that a relocation would cause (to the business and their 30 employees). However, this must be considered in the context of a situation where Environmental Health advise that the proposed dwellings would meet their noise standards based on the existing operation of Bellagio Stone.*

*Separate from the planning process, the Council is exploring options to assist Bellagio Stone in relocating, recognising that they are a successful business that should be supported. The applicant has proposed a compromise whereby the occupation of the 10 dwellings immediately opposite Bellagio Stone will be delayed until after their current lease expires. This would enable Bellagio Stone to consider whether to seek alternative premises at the end of their lease, recognising that the technical noise information demonstrates that there should not be a problem if they choose to stay. Such a restriction would at least avoid a situation where Bellagio Stone would have these most sensitive dwellings imposed upon them whilst they are tied to their current lease. A condition could secure this restriction, although it would be more appropriate for this to restrict the occupation of plots 70-86 (i.e. 17 dwellings) to ensure that this covers all of the units where the WHO maximum noise levels are likely to be exceeded on occasions during the night.*

*Drawing all of the above considerations together, it is apparent that this is not an easy decision to make because it involves two key Council priorities, promoting economic development and delivering affordable housing, which in this case are competing objectives. However, it is considered that the results of the Noise Assessments (demonstrating compliance with the relevant noise standards) and the lack of objection from Environmental Health tip the balance in favour of granting planning permission and securing this much needed affordable housing. As a result, these benefits are considered to outweigh any more general concerns about the living environment for future occupants of the proposed dwellings.*

### **Impact on the character and appearance of the area and the setting of the nearby Conservation Area**

*The fact that the site does not include the Magnet unit has a negative impact on the proposed layout. With the site "wrapping around" the Magnet unit, this will inevitably result in those premises appearing as a rather incongruous island of commercial development in the middle of a residential neighbourhood. However, for the reasons rehearsed earlier in this report, the applicant has been unable to assemble all the land required for a comprehensive development. Whilst a layout that retains the Magnet unit is not considered to be ideal in design terms, it is considered that this is outweighed by the significant benefits associated with the provision of a substantial amount of affordable housing.*

*In other respects the layout has been amended to provide a layout that is to an appropriate standard of design. As amended, the layout shows houses largely fronting onto the streets around and within the development as well as the canal. The design of the houses is appropriate for this location and is in keeping with surrounding development.*

*The proposals would represent a significant improvement in the environment alongside the canal. At present the hard surfaced yard areas of the industrial premises are hard up against the boundary with the canal. In contrast, the proposed layout shows public open space alongside the canal. All of the existing trees along the boundary with the canal are proposed to be retained.*

*Objectors have raised concerns about the impact of the development on the setting of the Leamington Spa Conservation Area. However, the site is separated from the Conservation Area by the canal and the associated trees along its bank. Furthermore, a large part of the development adjacent to the canal would comprise open space. Therefore the development would not have a significant visual impact on the Conservation Area. In fact, compared with the existing industrial buildings, the proposals would enhance the setting of the Conservation Area.*

### **Car parking and highway safety**

*The proposed car parking provision accords with the Council's Parking Standards. Therefore the proposals will not cause unacceptable overflow parking on surrounding streets.*

*Turning to highway safety, it is noted that local residents have raised concerns about increased traffic as a result of the proposed development. However, the Highway Authority have confirmed that there would in fact be a reduction in traffic compared with the existing lawful use of the site (if fully occupied). Consequently there are no grounds for requiring any highway mitigation measures as a condition of this development. The proposed layout has been amended to address any concerns that the Highway Authority may have had. Therefore the proposals are considered to be acceptable from a highway safety point of view.*

### **The mix of market and affordable housing**

*The scheme will provide well in excess of 40% affordable housing and consequently the proposals are in accordance with Local Plan Policy SC11. In terms of the mix of housing, the layout has been amended to ensure a reasonable spread of affordable and market units across the site.*

*Objectors have raised concerns about the mix of housing proposed and in particular the amount of affordable housing (i.e. too much) and the predominance of low cost market housing. However, the proposed mix is considered to be appropriate for this location, for the reasons stated below.*

*Looking first at the market units, the Council's Guidance on the Mix of Market Housing identifies the greatest need as being for smaller (2 and 3 bedroom) houses with gardens. The market housing proposed in the current application includes predominantly that type of housing. The Council has no policies that require larger market dwellings.*

*Turning to the affordable housing, it is true that there are some limited concentrations of affordable housing not too far from the application site, notably around the Fallow Hill flats on the opposite side of Sydenham Drive. However, looking at the wider area, there is a reasonable mix of tenures. It is also important to note that the affordable housing proposed for the application site comprises affordable rented units and shared ownership units. This would serve to broaden the mix of affordable housing units in the locality, which currently comprises predominantly social rented units. Therefore the proposals would not create a harmful over-concentration of affordable housing in this locality.*

### **Section 106 contributions**

*Consultees have requested various contributions towards community facilities, including hospitals, education facilities and measures to promote sustainable travel. However, the applicant has argued that these contributions would render the scheme unviable because they are reliant on grant funding to finance the development. The applicant has submitted a viability appraisal in support of their case.*

*The Council appointed consultants to review the applicant's appraisal. The Council's consultants have confirmed that the applicant's viability case is robust and that the payment of any Section 106 contributions would render the scheme unviable.*

### **Public open space**

*The application proposes to create an area of public open space alongside the canal. In total this would amount to an area of approximately 0.5 hectare. This would be short of the amount of public open space that is required by the Council's Open Space Supplementary Planning Document (1.9 hectares). Due to the viability issues that have been referred to previously, an off-site contribution to compensate for this under-provision is not feasible. Furthermore, increasing the amount of public open space on site would further adversely affect viability. It is also of note that there are a number of existing public open spaces not too far from the application site. Therefore, considering the significant benefits associated with the provision of a substantial amount of affordable housing, together with the viability issue, it is considered that the open space provision is acceptable in this case.*

*The Town Council have requested the provision of allotments. However, given the limited amount of open space and its configuration, the provision of allotments would not be practical on this site. There are substantial existing allotments a short distance away on Radford Road.*

### **Impact on trees**

*The application proposes to retain all of the significant trees around the site. The most important of these are those trees along the boundary with the canal. In terms of the impact of the development on these trees, the Council's Tree Officer has raised no objection to the application. Therefore it is considered that the development would not harm the health of the retained trees, including those within the highway verge in St. Mary's Road and Sydenham Drive.*

### **Ecological impact**

*An Ecological Survey report was submitted with the application. WCC Ecology have accepted the findings of this report and have advised that the proposals would have an acceptable ecological impact, provided conditions are put in place to impose certain safeguards.*

*The site is adjacent to Ecosite 22/36 and the Grand Union Canal potential Local Wildlife Site. Therefore, one of the safeguards recommended by WCC Ecology is that the development is set back at least 8m from the canal. This is achieved with the revised layout, with this area being protected as part of the public open space.*

### **Health and Well-being**

*The proposals would provide affordable housing for people in housing need. This is a significant benefit that contributes to health and well-being.*

### **Impact on existing occupiers on the application site**

*Some of the existing premises on the application site remain occupied. This includes a variety of occupiers using premises for storage, for car sales, as a*



*haulage yard and for charitable purposes. Whilst only some of these occupiers would meet the definition of "employment" uses in planning terms (i.e. use classes B1, B2 and B8), most of them employ staff on site. The relocation of these occupiers is regrettable, but the applicant advises that they are all on short term leases that have either already expired or will expire this year. Consequently they should all have been aware of the likelihood of having to vacate the site in the near future.*

*Two of the existing occupiers have requested financial assistance with relocating. These are two of the charities / not-for-profit organisations, Agenda 21 and Greengeek Ltd. However, aside from the fact that the viability of the development is already marginal, there are no legitimate planning grounds for requiring the applicant to provide assistance, particularly considering the short-term nature of the leases. Furthermore, according to the applicant, Agenda 21 have been permitted to occupy the site on a grace and favour basis. In those circumstances it would be particularly unreasonable to then expect the site owner to pay for their relocation. In addition, the applicant has advised that the other occupier that has requested relocation assistance, Greengeek Ltd, is an illegal sub-tenant.*

### **Other Matters**

*With regard to the issue of contamination, a phase 1 and 2 risk assessment of the site has been undertaken by the applicant. This has identified some potential pollutant linkages which require further detailed investigation and/or remedial action. Environmental Health have recommended a condition to require this work to be undertaken.*

*Environmental Health have advised that the scheme should include measures to mitigate the impact of the development on air quality. A condition is recommended to deal with this issue.*

*Objectors have raised concerns about construction noise. In accordance with the advice of Environmental Health, a condition is recommended to require the submission of a Construction Management Plan to address this issue.*

*There has been no objection from the Canal and River Trust, subject to certain conditions being imposed. Therefore it is considered that the proposals would have an acceptable impact on the adjacent canal.*

*The bin stores for the proposed flats have been increased in size in accordance with the recommendations of the Council's Waste Management team. The layout of the development is now considered to be acceptable from a Waste Management point of view.*

*The other issues raised by objectors have also been carefully considered, including the concerns about flood risk, pollution of the canal and increased traffic. However, none of these other issues would justify a refusal of planning permission.*

## **SUMMARY/CONCLUSION**

*The redevelopment of this part of the industrial estate for residential purposes is considered to be acceptable in principle, in accordance with the 2013 Employment Land Review and the Draft Local Plan. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area and the setting of the nearby Conservation Area. Any concerns about the living environment for future occupants of the proposed dwellings or the impact on existing businesses adjacent to the site are outweighed by the significant benefits associated with the provision of a substantial amount of affordable housing. The restrictions on occupying some of the dwellings will also provide some assistance with this issue in the short term. The benefits of the scheme also outweigh any concerns about the under-provision of public open space. The proposed layout shows an appropriate spread and mix of affordable and market housing and it has been demonstrated that the provision of any form of Section 106 contributions would render the scheme unviable. The proposals are considered to be acceptable in terms of car parking, highway safety, ecological impact and in terms of the impact on trees. Finally a refusal of planning permission cannot be justified on the grounds of the relocation of existing short term tenants from the application site. Therefore it is recommended that planning permission is granted.*

**Planning Committee:** 15 September 2015

**Item Number:** 6

**Application No:** [W 15 / 1244](#)

**Town/Parish Council:** Warwick

**Case Officer:** Rob Young

01926 456535 [rob.young@warwickdc.gov.uk](mailto:rob.young@warwickdc.gov.uk)

**Registration Date:** 05/08/15

**Expiry Date:** 04/11/15

**Opus 40, Birmingham Road, Warwick**

Application for removal of condition 4 of planning permission no. W15/0646 (requirement for a scheme for the signalisation of the Haywood Road / Birmingham Road junction to be completed prior to occupation of any of the dwellings). The application still proposes that a £306,000 contribution will be made towards this signalisation scheme as well as providing land within the application site to enable the road improvement scheme to proceed. Planning permission no. W15/0646 was for the erection of 85 dwellings. FOR Taylor Wimpey

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission for the removal of this condition, subject to the other conditions of the previous permission and subject to the completion of a satisfactory Section 106 agreement. Should a satisfactory Section 106 Agreement not have been completed by 4 November 2015, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

The application proposes the removal of condition 4 of planning permission no. W15/0646. Planning permission no. W15/0646 was for the erection of 85 dwellings. Condition 4 requires a new signalised junction to be constructed between Haywood Road and Birmingham Road prior to the occupation of any of the dwellings. The application still proposes that a £306,000 contribution will be made towards this signalisation scheme as well as providing land within the application site to enable the road improvement scheme to proceed.

The applicant also proposes to enter into a Section 106 agreement to include this and all of the other provisions of the Section 106 agreement relating to the extant planning permission.

## **THE SITE AND ITS LOCATION**

The application relates to a former car park for the adjacent IBM premises. Following a rationalisation of IBM's accommodation requirements, surplus building space and this parking area were sold off. The surplus floorspace is now occupied by Telent and First Utility. Replacement car parking was provided within the Telent site prior to their occupation and there is an extant planning permission for further car parking associated with the building that IBM have retained.

The site is situated on the western edge of Warwick, alongside the A46. The site is accessed from Haywood Road, a private road serving the IBM / Opus 40 site that runs between Birmingham Road and Wedgnock Lane. The site is bounded by the A46 to the west, by Birmingham Road to the south-west, by Haywood Road to the east and by the Telent site to the north-east. Warwick Cemetery is situated on the opposite side of Haywood Road. The nearest residential properties are situated on the opposite side of Birmingham Road.

There are a significant number of trees on the site that are all covered by an area Tree Preservation Order. This largely comprises the original planting associated with the development of the IBM complex, which was designed with a heavily landscaped setting. There are also a number of trees within the verge of the A46, alongside the western boundary of the site.

## **PLANNING HISTORY**

There have been a significant number of previous planning applications related to the application site and the wider IBM complex. The following are considered to be relevant to the consideration of the current proposals.

In 2007 planning permission was granted for a 103 space extension to the IBM car park fronting onto Wedgnock Lane (Ref. W07/1468). This was renewed in 2011 (Ref. W11/0032).

In 2007 planning permission was granted for 303 new parking spaces adjacent to the building now occupied by Telent / First Utility (Ref. W07/1127).

In 2010 planning permission was granted for the erection of the Premier Inn on another part of the IBM / Opus 40 site (Ref. W09/0464).

In 2011 planning permission was granted for the development of the current application site for office / research and development purposes (Ref. W10/0073). This scheme included the closure of the Haywood Road / Birmingham Road junction and the creation of a new access into the IBM / Opus 40 site via a new arm on the A46 / Birmingham Road Roundabout (the Stanks Roundabout). A variation to the access condition on this permission was granted in 2012 (Ref. W11/1367).

In July 2015 planning permission was granted for the erection of 85 dwellings on the current application site (Ref. W15/0646). The applicant has submitted an appeal against condition 4 of this permission (i.e. the condition that is the subject of the current application).

In August 2015 Telent were granted planning permission for a new decked car park to provide an additional 163 parking spaces within their site (Ref. W14/1859).

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS8 - Employment Land (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE7 - Use of Waterways (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### **SUMMARY OF REPRESENTATIONS**

**Town Council:** Comments awaited.

**Public response:** 5 objections have been received, arguing that condition 4 is essential and that the new signalised junction must be put in place prior to development for the following reasons:

- concerns about highway safety;
- there are no pedestrian crossings on this part of Birmingham Road;
- traffic will increase as the development grows; and
- there are existing problems with illegal right turns out of Haywood Road and dangerous U-turns in Eastley Crescent.

IBM have also objected to the application and have raised similar highway safety concerns to those listed above.

**WCC Highways:** Comments awaited (no objection raised to previous application and the condition in question was not requested).

### **ASSESSMENT**

The main issue relevant to the consideration of this application is whether the condition is justified on highway safety grounds.

The main safety concerns of objectors relate to illegal right-turns out of the existing Haywood Road / Birmingham Road junction or dangerous u-turns in Eastley Crescent. The transport information submitted by the applicant demonstrates that the proposed residential development will generate a very small number of vehicle movements out of the site in that direction compared with the numbers generated by the existing office and hotel uses on the wider Opus 40 / IBM site. In the AM peak this would be up to 6-10 vehicles per hour.

Assuming that the majority of motorists would follow the correct route to the Stanks roundabout via the Wedgnock Lane roundabout, this would generate a very small number of additional illegal right turns or u-turns in Eastley Crescent (the applicant bases this assumption on previous surveys observing less than 10% of vehicles undertaking these illegal / dangerous manoeuvres). That would amount to less than 1 additional illegal right turn or u-turn in Eastley Crescent per hour.

In this context, it is considered that the applicant's proposal to contribute £306,000 and land within the site towards the signalisation scheme is sufficient to address any highway safety issues. This would meet the requirements of WCC Highways, who only requested the contribution and the land, not a condition. WCC Highways do not consider it necessary to have the condition as well as the contribution / land provision. As a result, the condition is not justified on highway safety grounds.

The applicant advises that they would not be in a position to acquire the site for development if this condition remains in place because the condition requires works to be completed by a third party (the Highway Authority). Therefore they advise that the result of a refusal to remove the condition would be that the residential development does not go ahead and therefore the financial contribution and provision of land for the signalisation scheme does not materialise. In that case the signalisation scheme may not be deliverable and therefore the condition may well have the opposite effect to what is intended.

### **SUMMARY/CONCLUSION**

The condition is not justified on highway safety grounds. Therefore it is recommended that planning permission is granted for the removal of this condition.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawings 20113/01G, LDS252-04E, 20113-HY-4-PL, 20113-PA34-6-PL, 20113-GA-SG-PL, 20113-PA25-6-PL, 20113-BA-4-PL, 20113-PD33-6-PL, 20113-PA35-AG-6-PL, 20113-AA42-4-PL, 20113-AA43-4-PL, 20113-AA24-4-PL, 20113-AA32-4-PL, 20113-PT44-6-PL, 20113-MS-PL, 20113-PT38-6-PL, 20113-PA48-6-PL, 20113-PT32-6-PL & 20113-PT37-6-PL, and specification contained therein, submitted on 27 April 2015, 26 June 2015 & 3 July 2015, except as required by Condition 3 below. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.



- 3 Notwithstanding the house type details that were submitted with the application, no development shall commence unless and until revised house types incorporating chimneys have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these revised house types. **REASON :** To ensure a suitable standard of design and appearance for the development, in accordance with Policy DP1 of the Warwick District Local Plan.
- 4 No development shall commence until details of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **REASON:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy DP11 of the Warwick District Local Plan 1996-2011.
- 5 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) to be retained on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON :** In the interests of fire safety.
- 7 No development shall commence until a detailed lighting scheme for the site has been submitted to and agreed in writing by the local planning

authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

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

No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

**REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

- 8 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 maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands, woodland creation/enhancement and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON :** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework.
- 9 The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the local planning authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy DAP3 of the Warwick District Local Plan.

10 No development shall commence 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 or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

11 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

**REASON :** To ensure the protection of controlled waters and to prevent pollution in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011.

12 None of the dwellings hereby permitted shall be occupied unless and until:

(a) the acoustic fence along the western boundary of the site has been installed in strict accordance with the approved plans and the recommendations of the Report on Existing Noise Climate (Revision R8) by Hoare Lea dated 9 July 2015 and submitted to the District Council on 10 July 2015; and

(b) the acoustic mitigation measures for that particular dwelling have been completed in strict accordance with the recommendations of the Report on Existing Noise Climate (Revision R8) by Hoare Lea dated 9 July 2015 and submitted to the District Council on 10 July 2015.

The acoustic fence and other acoustic mitigation measures shall be retained and maintained in accordance with the manufacturers recommendations at all times thereafter.

**REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 13 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; 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; measures to limit noise and disturbance; a construction phasing plan; and a HGV routing plan.
- REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

- 14 The dwellings hereby permitted shall be designed and constructed to ensure that internal noise levels do not exceed the following levels between 0700 hours and 2300 hours:

- 35 dB LAeq,16hour within living rooms;
- 40 dB LAeq,16hour within dining rooms; and
- 35 dB LAeq,16hour within bedrooms.

The dwellings hereby permitted shall be designed and constructed to ensure that internal noise levels do not exceed the following levels between 2300 hours and 0700 hours:

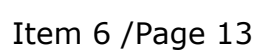
- 30dB LAeq,8hour within bedrooms, with the maximum instantaneous noise level not exceeding 45dB L<sub>Amax,fast</sub> (Night-time L<sub>Amax</sub> as prescribed by WHO Guidelines for Community Noise, 1999).

The external noise level in all private gardens of the dwellings hereby permitted shall not exceed 50dB LAeq,t between 0700 hours and 2300 hours.

**REASON:** To provide a satisfactory living environment for future occupants of the proposed dwellings, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 15 Best practicable means shall be employed at all times to control noise and dust on the site. Work which is likely to give rise to noise nuisance shall not take place before 0730 hours or after 1700 hours on Mondays to Fridays or before 0730 hours or after 1300 hours on Saturdays. No construction work shall take place on Sundays or Bank Holidays. Delivery vehicles shall not be permitted to arrive on site before 0800 hours or after 1630 hours on Mondays to Fridays or before 0800 hours or after 1300 hours on Saturdays. No deliveries shall be permitted to arrive on site on Sundays or Bank Holidays. **REASON :** To protect the living conditions of nearby residents, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.
- 16 The development shall be carried out in accordance with the Flood Risk Assessment ref. AAC5058 (Issue 6) by RPS dated June 2015 and submitted to the District Council on 10 June 2015. **REASON :** To minimise the risk of flooding on site and elsewhere, in accordance with the National Planning Policy Framework.
- 17 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of 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 similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 18 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 19 The development shall be carried out only in full accordance with sample details of all facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 20 None of the dwellings hereby permitted shall be occupied until the car parking and manoeuvring areas indicated on the approved drawings for that dwelling have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 21 The development shall be carried out in strict accordance with the air quality mitigation measures specified in the Air Quality Assessment by RSK dated 29 May 2015 and submitted to the District Council on 1 June 2015. None of the dwellings hereby permitted shall be occupied until the air quality mitigation measures for that dwelling have been implemented in full. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 22 The dwellings hereby permitted shall be constructed in strict accordance with the "fabric first" energy efficiency strategy specified in the Energy Statement by JSP Sustainability Limited dated March 2015 that was submitted with the application. **REASON :** To ensure that adequate provision is made for carbon reduction in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.









**Planning Committee:** 15 September 2015

**Item Number:** 7

**Application No:** [W 15 / 1117](#)

**Town/Parish Council:** Kenilworth

**Case Officer:** Jo Hogarth

01926 456534 [jo.hogarth@warwickdc.gov.uk](mailto:jo.hogarth@warwickdc.gov.uk)

**Registration Date:** 16/07/15

**Expiry Date:** 10/09/15

**69 Rounds Hill, Kenilworth, CV8 1DW**

Erection of detached conservatory FOR Mr Derrick

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The proposal is for the construction of a glazed structure to enclose the existing swimming pool in the rear garden of the property. It would be attached to the rear projecting wing of the dwelling.

**THE SITE AND ITS LOCATION**

The application site forms one half of a pair of semi-detached properties situated on the south west side of the road outside of the Conservation Area. The area is predominantly residential in character with a varied mix of house types and designs.

**PLANNING HISTORY**

There have been no recent planning applications submitted for this site.

**RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Object on grounds of massing and height in relation to neighbouring properties and thereby unneighbourly.

### **ASSESSMENT**

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

- The impact on the living conditions of occupiers of nearby dwellings
- Impact on the streetscene
- Renewables Energy
- Parking
- Ecological issues
- Health and Wellbeing

#### **The impact on the living conditions of occupiers of nearby dwellings**

In terms of the impact on the neighbour at number 71 Rounds Hill it is considered that any harm is mitigated by the existing garage structure which runs up to and along the boundary with the application site and measures 2.6 metres in height. The proposed height of the conservatory would be 0.6 metres in height above this garage and existing boundary wall, albeit the wall does slope downwards to a height of 2.2 metres and the further down to 0.95 metres.

It is considered that given the existence of this garage and the distance the conservatory would be away from habitable rooms serving number 71 Rounds Hill there would be no breach of the Council's adopted Supplementary Planning Guidance on the 45 degree line such that would warrant refusal of permission. Furthermore, it is considered that there would be no demonstrable harm to the outlook from number 71 Rounds Hill and the proposal is considered to meet the objectives of Policy DP2 in the Local Plan. In relation to the adjoining half of this pair of semis, number 65 Rounds Hill, the conservatory would be visible, but again, due to the distance away, it is considered that the conservatory would be acceptable in terms of amenity grounds on the residents occupying number 65 Rounds Hill.

It should be noted that, whilst not a fall-back position, an outbuilding could be built up to and along the boundary, under Permitted Development to a height of 2.5 metres.

### **The impact on the streetscene**

The proposed conservatory style structure would not be visible from the streetscene and as such it is considered to meet the objectives of Policy DP1 in the Local Plan.

### **Renewable Energy**

Due to the size and nature of the proposed building it is not considered that the requirement to provide renewable technologies has been triggered. There is no conflict with Policy DP13 in the Local Plan or the Council's adopted Supplementary Planning Document on Sustainable Buildings.

### **Parking**

The proposal would not increase the demand to provide any additional off street parking spaces such that the application would be contrary to Policy DP8 in the Local Plan and with the Council's adopted Supplementary Planning Document on Vehicle Parking Standards.

### **Ecological Impact**

There are no ecological issues.

### **Health and Wellbeing**

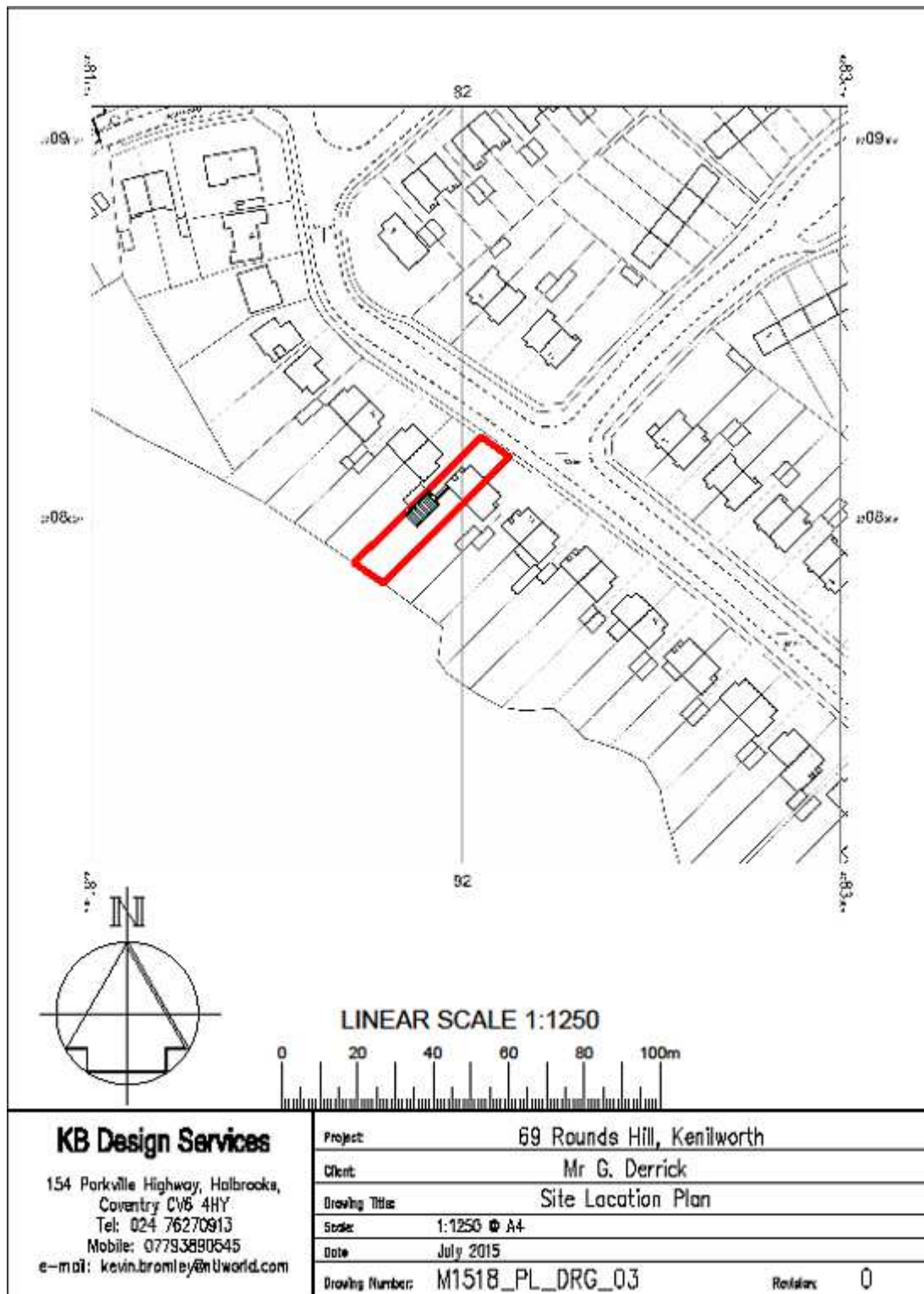
There are no implications.

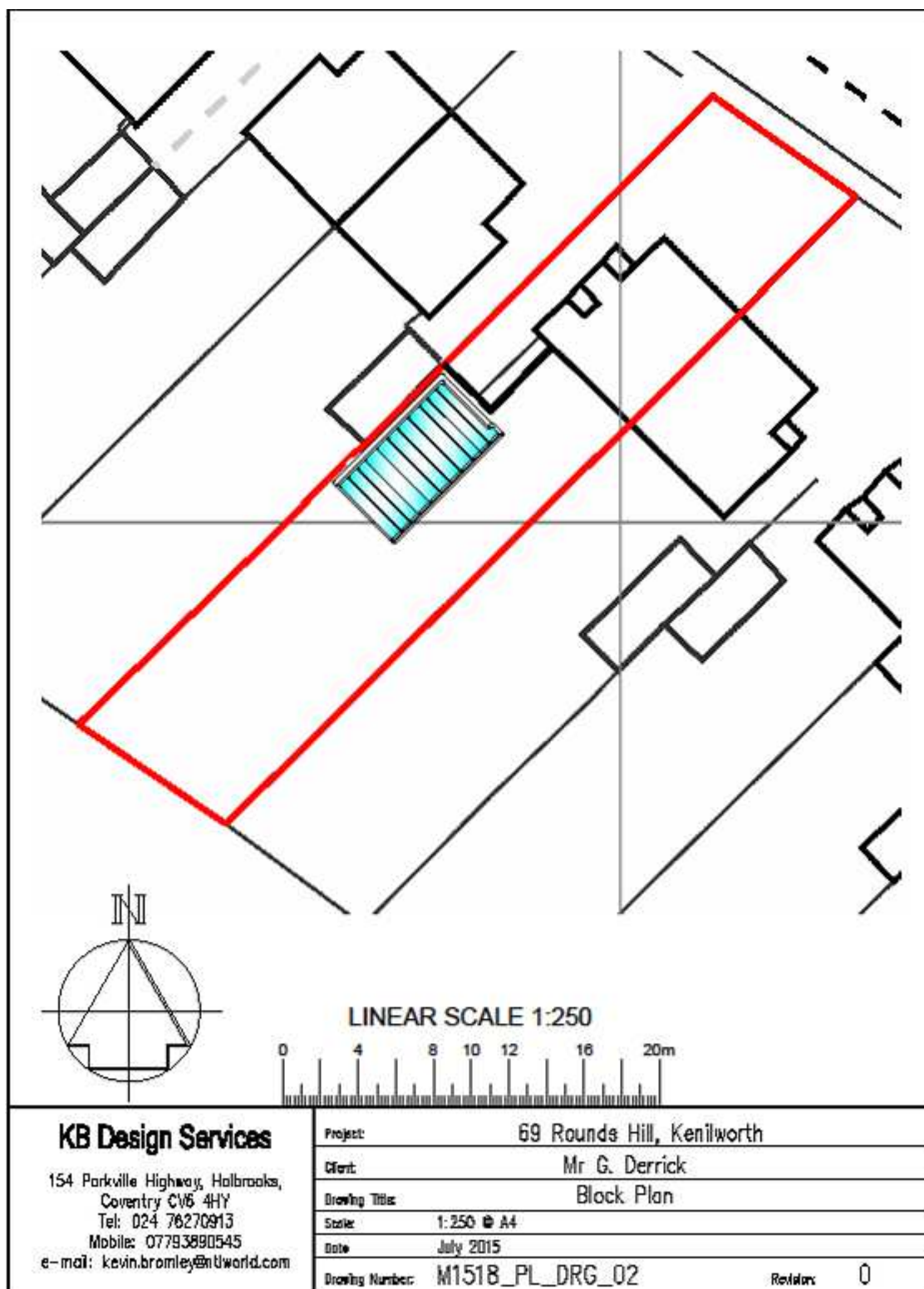
### **SUMMARY/CONCLUSION**

It is considered that the proposed conservatory which would cover the existing swimming pool would not result in such adverse harm to the living conditions of nearby residents such that a refusal of permission could be sustained. The application is thereby considered to meet the aforementioned Local Plan Policies.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing number M1518\_PL\_DRG\_01 Rev 1, and specification contained therein, submitted on 28 August 2015. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.





Item 7 /Page 6

**Application No:** [W 15 / 1245](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Sally Panayi

**Registration Date:** 05/08/15

**Expiry Date:** 30/09/15

01926 456541 [Sally.Panayi@warwickdc.gov.uk](mailto:Sally.Panayi@warwickdc.gov.uk)

**28 Park Road, Leamington Spa, CV32 6LG**

First Floor Side Extension FOR Mr Nanra

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This application has been requested to be presented to Committee by Councillor Hayley Grainger

**RECOMMENDATION**

Planning Committee are recommended to refuse to grant planning permission.

**DETAILS OF THE DEVELOPMENT**

The proposal is for the erection of a first floor side extension above the attached garage to the eastern side of the dwelling. The existing garage has a tiled pitch roof over with a ridge height of 5.4 metres. The first floor extension is proposed to have a ridge height of 7.4 metres, therefore increasing the height by 2.0 metres. The application is a resubmission of application W/15/0593 which was withdrawn before determination as it was recommended for refusal.

**THE SITE AND ITS LOCATION**

The house is a modern semi detached dwelling located on the north side of Park Road on the former site of the North Leamington School and is located in the Green Belt.

The front of the property faces south-west towards a large grassed open space. To the east of the application site is the access to Canberra Mews, a terrace of two storey properties in the form of a horseshoe, with the road passing through a central undercroft with second floor accommodation over. The rear elevations of the dwellings in Canberra Mews face towards the flank wall of the application dwelling.

**PLANNING HISTORY**

W/15/0593 - First floor side extension withdrawn before determination 15/06/15

**RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

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

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Public Response:** 6 comments of support received from local residents

**Old Milverton and Blackdown Joint Parish Council:** No comments received at time of writing report.

**County Ecology:** Recommend that a note relating to bats as a protected species be attached to any approval granted.

#### **Assessment**

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

The Impact on the Character and Appearance of the Area  
 Design and the Impact on Neighbouring Residential Amenity  
 Green Belt  
 Parking  
 Sustainability  
 Health and Wellbeing  
 Ecological impact

#### **The Impact on the Character and Appearance of the Area**

The National Planning Policy Framework (NPPF) requires development to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF states that permission should be



refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Warwick District Council's adopted Local Plan 1996 - 2011 policy DP1 and emerging Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing and should harmonise and enhance the existing settlement. The Local Plans call for development to be constructed using the appropriate materials and seek to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The proposed first floor side extension is indicated to be built in materials to match the original dwelling. The ridge height of the proposed extension is set down from the original ridge height of the dwelling and is set back from the front wall of the dwelling ensuring the extension is subservient to the original dwelling in accordance with the design requirements of the Council's Residential Design Guide.

### **Design and the Impact on Neighbouring Residential Amenity**

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

There is no material impact on the neighbouring dwelling at 30 Park Road which is the other half of the semi-detached dwelling.

In accordance with the District Council's Residential Design Guidance the distance between a two storey dwelling house and a blank gable end wall is a minimum of 12.0 metres to ensure the amenities of neighbouring properties are maintained. The rear elevation of the neighbouring two storey dwelling at 8 Canberra Mews faces towards the flank wall of the application site. The housing on this development has been laid out to meet the Council's minimum separation distances with the distance between the neighbouring first floor bedroom window and the ground floor living room window and the first floor flank wall of the application dwelling measuring 12.0 metres, while the distance to the flank wall of the application garage is 9.0 metres. The proposed first floor extension is directly above the existing garage with the result that it will be within 9 metres of the rear of the neighbouring property.

Six comments in support of the proposed extension have been received from local residents, however it should be noted that the location of the supporters houses are in Park Road either opposite to or to the west of the application site.

No support has been expressed by residents of Canberra Mews to the east of the application site who would be directly affected by the proposed development.

It is considered that the proposed first floor extension would increase the bulk and mass of the building when viewed from the neighbouring properties in Canberra Mews, particularly number 8. The first floor bedroom window of this neighbouring property currently looks west towards the flank wall of the single storey garage and the first floor wall of the main dwelling. While the single storey element of the existing structure is within 9 metres of the bedroom, the first floor element is at a greater distance. It is considered that the increase in height of the flank wall by 2.0 metres from 5.4 to 7.4 metres and being positioned 3.0 metres closer to the boundary at first floor would have an overbearing impact on this neighbouring property, impacting on the amenity by overshadowing and a loss of outlook contrary to the aims of Local Plan Policy DP2 and emerging Local Plan policy BE3.

### **Green Belt**

The proposal for the first floor side extension represents a percentage of 21% over the original floorspace of the dwelling and is not considered to have an unacceptable impact on the openness of the Green Belt in this location.

### **Parking**

The proposed first floor extension would increase the number of bedrooms at the property from 2 to 3 bedrooms. The parking requirement for the property would increase from 1.5 spaces to 2 spaces, however there remain two spaces available for parking on the hardstanding to the front of the dwelling and the garage is indicated to be retained. The parking provision would continue to meet the Council's parking requirement as set out the adopted Local Plan policy DP8 and the emerging Local Plan Policy TR4.

### **Sustainability**

Given the limited scale of the development proposed there is no requirement to provide energy efficiency measures in this case.

### **Health and Wellbeing**

- N/A

### **Ecological Impact**

No significant issues subject to the inclusion of a bat note.

### **Summary/Conclusion**

In the opinion of the Local Planning Authority, the development is considered to result in an unacceptable increase in the bulk and massing of the dwelling, in close proximity to the neighbouring dwelling to the detriment of the amenities of the residents of that property.

## **REFUSAL REASONS**

The proposed first floor side extension by reason of its massing and positioning would result in the introduction of an extension which would unacceptably impact upon the residential amenities of the occupants of 8 Canberra Mews by reason of overshadowing and loss of outlook. The development would therefore be contrary to the National Planning Policy Framework and the following Local Plan Policies:-

### Current Local Plan:

Policy DP1: Layout and Design

Policy DP2: Amenity

### Emerging Local Plan:

Policy BE1: Layout and Design

Policy BE3: Amenity

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SCALE (AT A3)  
1:500 0 5 10 15 20  
1:1250 0 12.5 25.0 37.5 50.0

28 Park Road  
Leamington Spa  
CV32 6LG

Parminder Nanra  
07970 484914

Scale: 1:1250 1:500  
Date: 08/04/2015  
Location and Site Plan

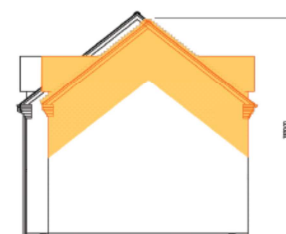
ROOF TILES - TO MATCH EXISTING  
WALLS BRICKWORK - TO MATCH EXISTING  
WINDOWS & DOORS - TO MATCH EXISTING



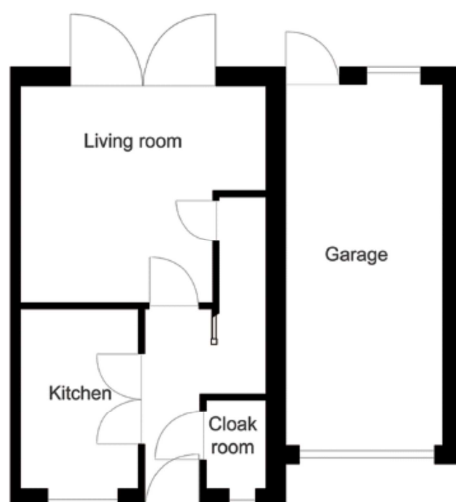
FRONT ELEVATION  
SCALE 1:100



REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN  
SCALE 1:50



FIRST FLOOR PLAN

SCALE (AT A3)  
1:50 0 1 2 3 4  
1:100 0 1 2 3 4

28 Park Road  
Leamington Spa  
CV32 6LG

Parminder Nanra  
07970 484914

Scale: 1:100 1:50  
Date: 08/04/2015  
Proposed Plan v1.0

**Application No:** [W 15 / 1036](#)

**Town/Parish Council:** Whitnash  
**Case Officer:** Rob Young

01926 456535 rob.young@warwickdc.gov.uk

**Registration Date:** 13/07/15

**Expiry Date:** 07/09/15

**17 Whitnash Road, Whitnash, Leamington Spa, CV31 2HW**

Demolition of existing bungalow; construction of two new dwellings and a new vehicular access off Whitnash Road. FOR Mr Dorgan & Ms B Scanlon

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This application has been requested to be presented to Committee by Councillor Falp.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application proposes the demolition of the existing bungalow and the erection of two new dwellings. One of the dwellings would be accessed via the existing vehicular access from Halls Close, while the other would be accessed via a new vehicular access from Whitnash Road.

The following amendments have been made since the application was submitted:

- driveway to Dwelling A increased in width;
- windows relocated and obscure glazing and external blinds added to certain windows to ensure an adequate level of privacy between the two proposed dwellings;
- Dwelling A reduced in size and moved closer to Hall's Close to provide a minimum 7m separation from the rear boundary; and
- boundary fence set further back from Hall's Close.

**THE SITE AND ITS LOCATION**

The application relates to a bungalow situated on the western side of Whitnash Road. The site occupies a corner plot at the junction of Whitnash Road with Halls Close, which runs along the southern boundary of the site. The dwelling at No. 2 Halls Close is situated to the west of the site, while the northern boundary of the site is shared with the dwellings at Nos. 19 and 19A Whitnash Road.

The site is situated adjacent to the Whitnash Conservation Area. The Conservation Area boundary runs along the eastern and part of the northern boundary of the site. The adjacent property to the north is a Grade II Listed Building (19 Whitnash Road).

Halls Close is mostly fronted by two storey terraced dwellings, with the exception of a detached house that has recently been constructed adjacent to No. 1,

diagonally opposite the current application site. There is an existing vehicular access to the site from Halls Close.

## **PLANNING HISTORY**

There have been two previous applications for the erection of houses on the application site but these have been withdrawn (Refs. W10/0191 & W13/1464).

In 2014 planning permission was refused for "Proposed conversion of existing bungalow to house, raising roof by 2.5 metres, two storey front extension, front and rear dormers, also, proposed two storey detached three bay garage with playroom and store over" (Ref. W14/0869). The reasons for refusal related to harm to the neighbouring dwelling at No. 19 Whitnash Road, harm to the setting of the adjacent Listed Building and Conservation Area and the substandard length of the driveway to the front of the proposed garage.

## **RELEVANT POLICIES**

### The Current Local Plan

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

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)

### **SUMMARY OF REPRESENTATIONS**

**Town Council:** No objection, but Members have concerns about the vehicular access for property 'A' as the access is on a bend.

**Public response:** One neighbour (No. 15 Whitnash Road) has objected on the following grounds:

- overshadowing of Glamis Cottage (No. 19 Whitnash Road);
- overdevelopment;
- loss of hedgerows;
- out of character with the area;
- impact on parking in Halls Close and Whitnash Road minor, which are very narrow; and
- detrimental to highway safety.

**Cllr Falp:** Objects and requests that the application is determined by Committee. Raises highway safety concerns regarding the access.

**WCC Highways:** Initially objected, but following the receipt of amended plans make no objection, subject to conditions.

**WCC Archaeology:** No objection, subject to a condition to require a scheme of archaeological works.

**WCC Ecology:** Recommend notes in relation to bats and nesting birds.

## **ASSESSMENT**

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

- the principle of development;
- the impact on the living conditions of neighbouring dwellings;
- provision of a satisfactory living environment for future occupants of the proposed dwellings;
- the impact on the character and appearance of the area;
- the impact on the setting of the adjacent Listed Building and Conservation Area;
- car parking and highway safety; and
- health and well-being

### **Principle of development**

The proposals would be contrary to Local Plan Policy UAP1 because residential gardens are not considered to be previously developed land. However, the Council is unable to demonstrate a 5 year supply of housing land. Therefore, given that Policy UAP1 is a policy for the supply of housing, paragraph 49 of the NPPF dictates that it should be considered out of date and consequently the test in paragraph 14 of the NPPF should be applied, i.e. whether any adverse impacts of granting permission would "significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole". Therefore, given the pressing need for housing within the District, garden plots such as this are considered to be suitable for development, provided the proposals do not cause unacceptable harm to the living conditions of neighbouring dwellings or the character and appearance of the area and provided that suitable provision can be made for parking. These matters are considered in the following sections.

### **Impact on the living conditions of neighbouring dwellings**

Dwelling B would infringe a 45-degree sight-line in relation to the nearest window in the rear of the neighbouring dwelling at No. 19 Whitnash Road. However, this would be at a distance of 7m from the affected window. Furthermore, it is important to bear in mind that Dwelling B would occupy a similar position to the existing bungalow, which already infringes the 45-degree sight-line from this window. The part of Dwelling B closest to No. 19 is further from the boundary and less bulky than the existing bungalow. Dwelling B is also further away from the side facing windows in No. 19 than the existing bungalow. Therefore it has been concluded that the proposals would not cause unacceptable loss of light or loss of outlook for No. 19.

Dwelling A would not infringe a 45-degree sight-line in relation to the nearest windows in the rear of the adjacent dwelling at No. 2 Halls Close. Therefore it has been concluded that the proposals would not cause unacceptable loss of light or loss of outlook for that property.



The proposed dwellings are far enough away from other neighbours to ensure that the proposals would not have any significant implications in terms of loss of outlook or loss of privacy for any other dwellings.

In terms of privacy, the amendments have ensured that there is sufficient distance between the first floor windows in the proposed dwellings and the boundaries with neighbouring dwellings. Therefore the proposals would not cause unacceptable loss of privacy for neighbours.

#### Provision of a satisfactory living environment for future occupants of the proposed dwellings

The amendments to the windows will ensure that an adequate level of privacy will be provided between the proposed dwellings. Therefore it has been concluded that the proposals would provide a satisfactory living environment for future occupants of the proposed dwellings.

#### Impact on the character and appearance of the area

The proposed dwellings have a contemporary design, with rendered walls, a modern fenestration arrangement and asymmetrical roofs. The surrounding area contains a variety of designs of building, including brick and rendered houses in a variety of post-war styles as well as black and white timber-framed cottages. In this context the proposed contemporary style is considered to be an appropriate design solution. In terms of siting and massing the proposed dwellings are in keeping with the layout and density of surrounding development. Therefore it is considered that the proposals would have an acceptable impact on the character and appearance of the area.

#### Impact on the setting of the adjacent Listed Building and Conservation Area

The adjacent Listed Building and Conservation Area are already closely adjoined by modern residential development (on three sides of the Listed Building). Dwelling B would be closest to the Listed Building and the Conservation Area, but this has been sited and designed to open up views of the Listed Building across the frontage of the application site. Therefore, the development would have no greater impact on the Listed Building and the Conservation Area than the existing bungalow, and in some respects would have less of an impact.

#### Car parking and highway safety

Objectors have raised highway safety concerns relating to the accesses to the proposed parking areas. However, there has been no objection from the Highway Authority. Whilst Hall Road is rather narrow, the applicant has submitted tracking plans to show how cars will enter and leave the driveway to Dwelling A. Furthermore, it is notable that there is already an access in this position serving the existing bungalow. The new access onto Whitnash Road would be provided with adequate visibility splays and is far enough away from the nearby Whitnash Road / Hall Road junction. Each of the dwellings would be provided with 2 parking spaces, in accordance with the Council's Parking Standards. Therefore it is considered that the proposals would be acceptable in terms of car parking and highway safety.

### Heath and well-being

The proposals would contribute to meeting the housing needs of the District. This is a benefit that contributes to health and well-being.

### Other matters

The application proposes to install combined solar thermal / photovoltaic panels to meet 10% of the predicted energy requirements of the proposed dwellings. This would meet the requirements of Local Plan Policy DP13 and the associated SPD.

An objector has raised concerns about the loss of the hedge along the front and side boundaries of the site. However, many of the frontages along Whitnash Road and Halls Close are open without any form of boundary hedging. Therefore the hedge around the application site is not considered to be such a defining characteristic of the area such as would justify the Council insisting upon its retention.

The applicant has agreed in principle to make a contribution of £3,768 towards the provision or enhancement of public open space. This would meet the requirements of Local Policy SC13 and the associated SPD. A condition is recommended to secure this.

Taking account of the comments of WCC Ecology, it is considered that the proposals will have an acceptable ecological impact.

A condition is recommended to require a programme of archaeological works to be undertaken, as advised by WCC Archaeology. This will ensure that any archaeological remains are preserved and recorded.

### **SUMMARY/CONCLUSION**

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore, the proposals would have an acceptable impact on the setting of the adjacent Listed Building and the Conservation Area. The proposals are also considered to be acceptable in terms of parking and highway safety. Therefore it is recommended that planning permission is granted.

### **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) MP/1503/005A, MP/1503/006B, MP/1503/007A, MP/1503/008A, MP/1503/009A, MP/1503/10B, MP/1503/11B & MP/1503/14B, and

specification contained therein, submitted on 18 August 2015.

**REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 5 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.
- 6 The proposed car parking areas for the development hereby permitted

shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plans. The car parking areas shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted.

**REASON :** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

- 7 Dwelling A shall not be occupied until an access for vehicles has been provided to that dwelling not less than 5.5 metres in width for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. Dwelling B shall not be occupied until an access for vehicles has been provided to that dwelling not less than 3 metres in width for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway.

**REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

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

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

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

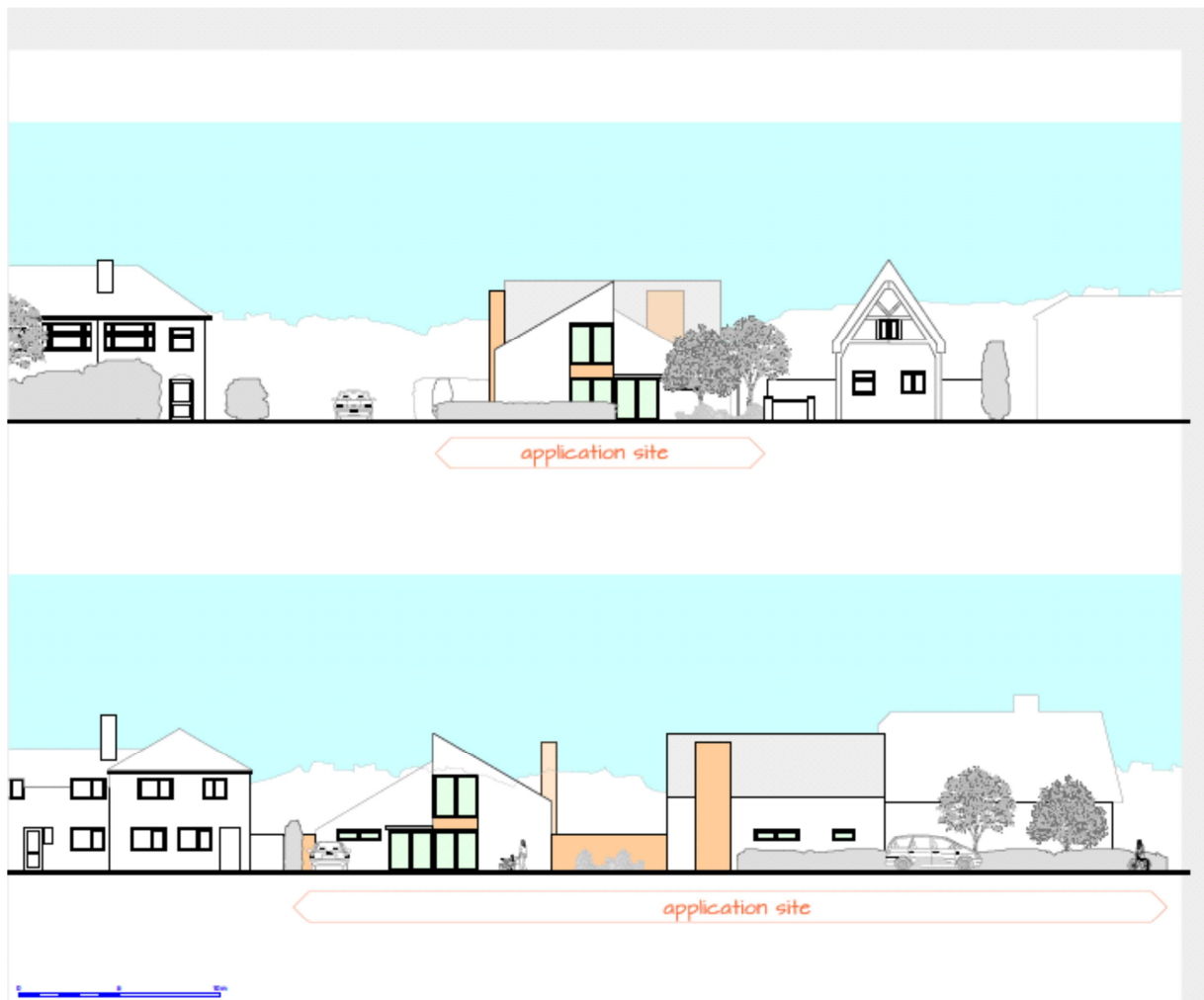
**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 9 Neither of the accesses to the site for vehicles shall be used in connection with the development until they have been surfaced with a bound material for a distance of 7.5 metres into the site as measured from the near edge of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 10 The accesses to the site for vehicles shall not be used unless public highway footway/verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 11 The accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

- 12 The development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
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**Application No:** [W 15 / 0996](#)

**Town/Parish Council:** Rowington  
**Case Officer:** Anne Denby

**Registration Date:** 24/06/15

**Expiry Date:** 19/08/15

01926 456544 [anne.denby@warwickdc.gov.uk](mailto:anne.denby@warwickdc.gov.uk)

**Sandall House Farm, Narrow Lane, Lowsonford, Solihull, B95 5HN**  
Construction of extended drive (50m) FOR Ms Saber

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

### **RECOMMENDATION**

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

### **DETAILS OF THE DEVELOPMENT**

The application proposes the construction of a hardcore driveway within the site. The driveway will be 3m in width and extend for 50m in length in an 'L' shape form orientated southwest to northeast connecting existing tracks within the north of the site with the intended purpose of providing a hard surface for the regular passage of horses, equestrian and farm vehicles associated with Sandall House Farm.

The application is supported by a covering statement which states:

- The existing circular horse exercise track is surfaced with wood fibre and is too soft and valuable to be suitable for the regular passage of horses, equestrian and farm vehicles associated with Sandall House Farm.
- The loop is centrally located and experiences a significant amount of traffic and without a hardstanding is prone to water logging and heavy mud during wet periods.
- The extension to the existing track is required to provide a hard surface for the regular passage of horses, equestrian and farm vehicles associated with Sandall House Farm.
- Paragraph 28 of the NPPF seeks to support sustainable growth and expansion of all types of business and enterprise in rural areas. The proposed extended track does not facilitate an expansion of the existing business but it helps the welfare of horses and prolong the life of its plant and vehicles.
- Paragraph 90 of the NPPF states that engineering operations in the Green Belt are not inappropriate provided they preserve openness. The proposed extended drive will have a porous surface, will not raise ground levels, will not result in a change of land use and not impact on openness or the five purposes of Green Belt.
- The proposal is 'water-compatible development' as it is for 'outdoor sport and recreation' and will have no adverse impact on the watercourse, floodplain or flood defences.



## **THE SITE AND ITS LOCATION**

The application site is located on the northern side of Narrow Lane, between Santan Farm and Sanbrook Farm, within the Green Belt and Arden Ancient Landscape Area. It is a substantial equestrian establishment with a range of buildings of various ages and designs.

## **PLANNING HISTORY**

There is an extensive planning history to this site, none of which is specifically relevant to this application.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

## **SUMMARY OF REPRESENTATIONS**

**Rowington Parish Council: Objection.** The details can be summarised as follows:

- The proposals are contrary to National and Local Planning Policy and no special circumstances or supporting evidence has been provided to support deviation from current policy.
- The horse exercise track was designed and built by a specialist contractor specifically for the use of fast racehorse exercise and training and is not *'too soft and valuable for the regular passage of horses'*
- When in regular use a large tractor and chain harrows followed exercising horses to ensure that the surface of the track did not compact and cause safety issues for use by horses the following day. Daily harrowing of such exercise tracks following use is normal practise.
- A previous application at the site was retrospective following the unauthorised construction of the original section of hardstanding.

- Fields do become wet and muddy during winter months but this should not encourage the construction of driveways throughout the fields within the Green Belt.
- The continued development of driveways, hardstanding and storage areas at this site is now considered to be over intensification and over development, notwithstanding the potential impact all this hardstanding and development will have on the flood plain in this Flood Zone 3.

**Environment Agency:** Comments awaited.

## **Assessment**

The main issues in the consideration of this application are:

- The principle of development
- The impact on the character of the surrounding area
- Drainage

### **Principle of development**

The National Policy Planning Framework April 2012 advises in Section 9: Protecting Green Belt land (paragraph 89) that provision of facilities for outdoor sport and outdoor recreation can be considered as appropriate development within the Green Belt, as long as schemes preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

In this case the application site relates to an existing and established equestrian site used for outdoor sport and outdoor recreation. While hardstanding can have an urbanising impact upon the openness of the Green Belt, this development relates directly to the movement of horses and equipment across key routes within the site, which are prone to becoming waterlogged and muddy. The proposed scheme is therefore considered to represent appropriate development within the Green Belt and is acceptable accordingly.

### **The impact on the character of the surrounding area**

The scheme does not involve built form and the development will not raise ground levels. The area is already used for access and trodden. Although a public footpath runs through the main site the proposed hardcore drive will not appear conspicuous from public vantage points and the proposed drive will sit adjacent to a hedgerow that provides screening from lower land levels on Narrow Lane.

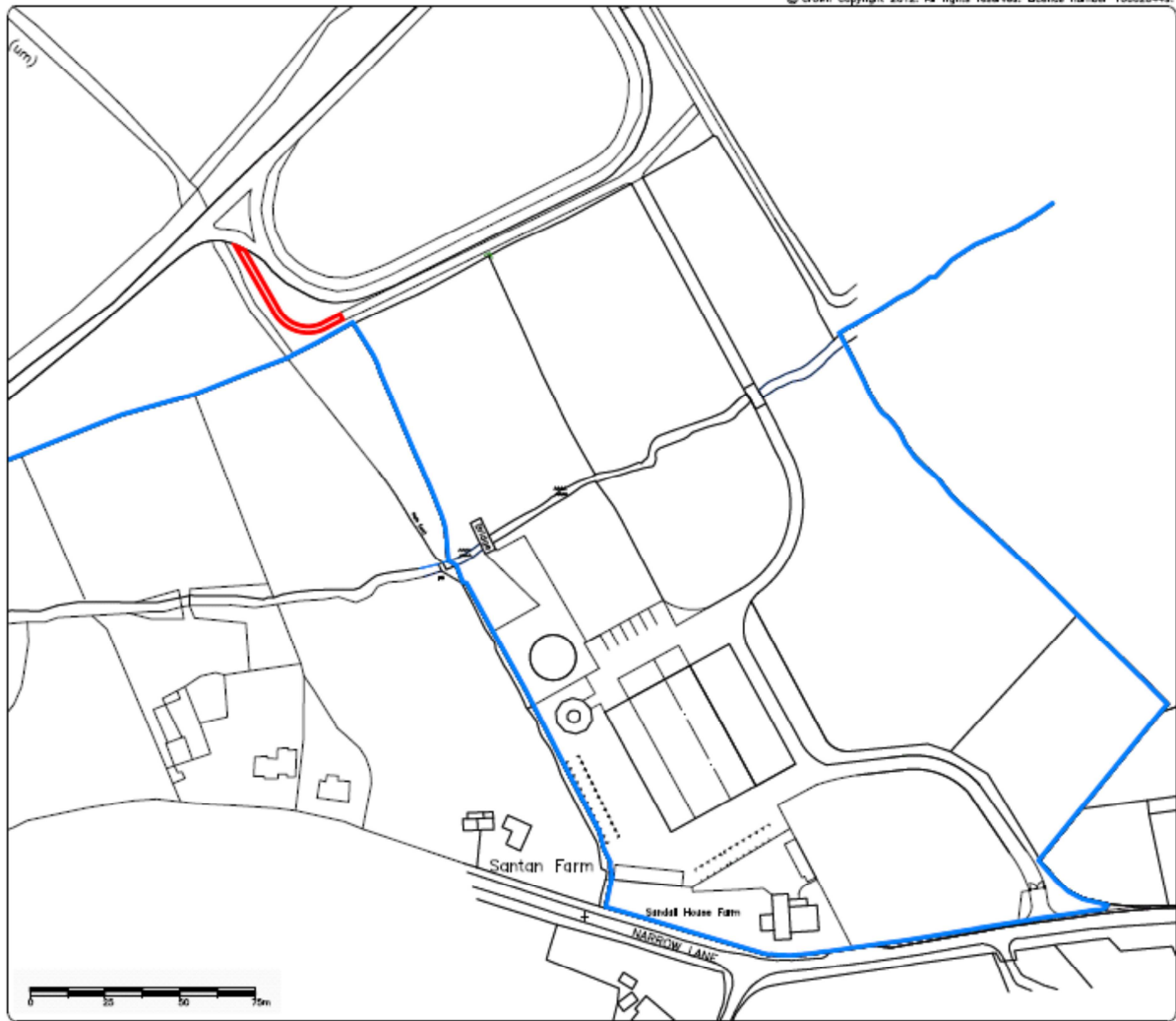
### **Drainage**

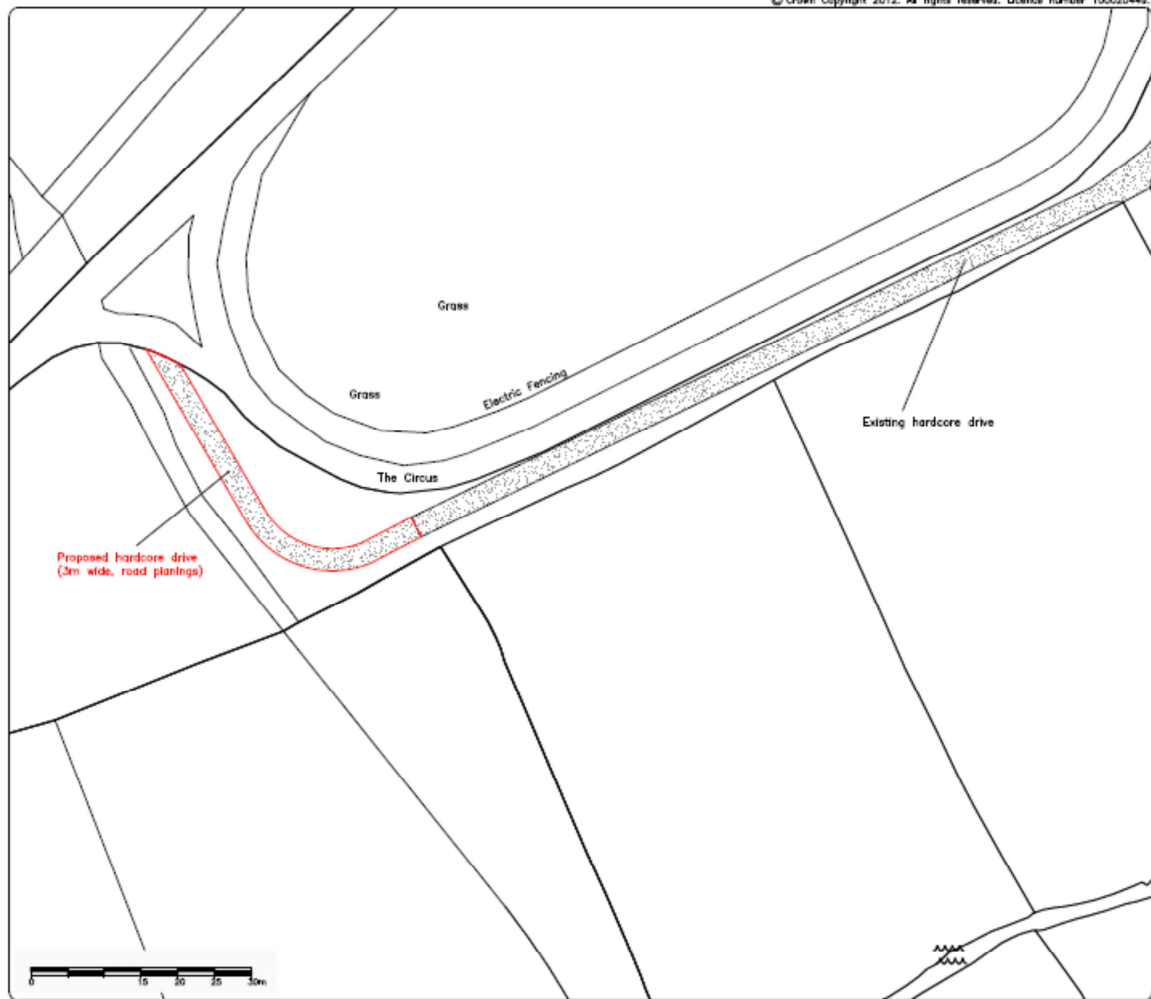
The drive is located within Flood Zone 3. The applicant states that the drive will be constructed with a porous surface, namely a loose rubble base and hardcore surface. The NPPF Technical Guidance identifies outdoor sports and recreation and essential facilities such as changing rooms as water compatible development.

## **Summary/Conclusion**

In the opinion of the Local Planning Authority, the proposed development is acceptable in principle and would not cause unacceptable harm to the character or openness of the Green Belt or the visual amenities of the surrounding area. The proposal is therefore considered to comply with the policies listed.

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**Application No:** [W 15 / 0977](#)

**Registration Date:** 08/07/15

**Town/Parish Council:** Beausale, Haseley, Honiley & Wroxall

**Expiry Date:** 02/09/15

**Case Officer:** Emma Spandley  
01926 456533 [emma.spandley@warwickdc.gov.uk](mailto:emma.spandley@warwickdc.gov.uk)

**Wroxall Abbey, Birmingham Road, Wroxall, Warwick, CV35 7NB**

Retention of an extension to an existing marquee, covered walkways and pergolas for a further temporary period of three years (Resubmission of W/12/0545.) FOR Wroxall Abbey Estate

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

**RECOMMENDATION**

Planning Committee are recommended to REFUSE to grant planning permission.

**DETAILS OF THE DEVELOPMENT**

The application proposes to retain the extension to an existing marquee, pergolas and covered walkway extensions which have been erected without planning permission within the Wren garden, alongside a series of Yew hedges and adjacent to the Church Yard of St Leonard's (Wren's Cathedral).

Planning permission is sought to retain the marquee extension, pergolas and covered walkways for a further temporary period of 3 years.

**THE SITE AND ITS LOCATION**

The Wroxall Abbey Estate relates to 27 acres of open parkland with a collection of Listed Buildings and private grounds. The Abbey itself is a 18th Century manor house to the north west of which are Grade II listed stables which have been converted to additional hotel accommodation and to the east of which is the Grade I listed Wren's Cathedral. The site also includes a scheduled ancient monument and Grade II listed gardens which are set within a parkland setting.

The Abbey is a substantial Victorian mansion built in the Victorian Gothic style, which is Grade II listed. The property was constructed by Walter Scott of Liverpool for James Dugdale. The original house, once owned by Christopher Wren was demolished in around 1870. Various alterations and improvements to the estate were carried out during Wren's ownership including the layout of what is referred to as 'The Wren Garden'. This garden is enclosed to the east and north by early 18th Century brick walls. With the exception of the presence of a permanent marquee, the Wren Garden reflects the original outline of the garden.

**PLANNING HISTORY**

There are various applications relating to the site and the associated hotel complex. The most relevant in the consideration of this application are:-

W/12/0545 - Retention of an additional marquee and covered walkways (retrospective application). This application was refused because of the impact upon the heritage assets within the site and because the proposals represented inappropriate development in the Green Belt in respect of which no very special circumstances had been demonstrated.

W/13/0286 - Retention of an extension to an existing marquee, covered walkways and pergolas for a temporary period of two years. Planning permission was granted for a temporary period of 2 years in order to support the existing hospitality use of the site in the short term and to provide an opportunity for the applicant to bring forward alternative and less harmful proposals.

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

### **Beausale, Haseley, Honiley and Wroxall Parish Council - Support**

#### **Historic England - Objection**

**Public Response** One objection has been received regarding the harm from the marquee to the Wren Garden and the setting of Wroxall Abbey.

#### **Assessment**

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

- Whether the development is inappropriate for the purposes of the National Planning Policy Framework (NPPF) relating to Green Belt;
- Its effect on the openness of the Green Belt and on the character and appearance of its surroundings including the setting of a range of heritage assets and;
- If it is inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

#### Inappropriate development within the Green Belt

The NPPF at paragraph 79 states that the essential characteristics of the Green Belt is openness and permanence. Paragraph 87 states, as with previous Green Belt policy, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The structures the subject of this application comprise inappropriate development to which there is therefore an objection in principle unless very special circumstances can be demonstrated.

#### Very Special Circumstances

A previous application (W/12/0545) for the retention of the structures the subject of this application was refused on the basis of the impact on the heritage assets at this location and the harm to the Green Belt. It was considered at the time that very special circumstances had not been demonstrated to outweigh the harm of the proposed development.

A further application (W/13/0286) was subsequently considered including detailed information setting out the need on a short-term basis to retain the temporary features to support the existing hospitality use of the site and the maintenance of those heritage assets. On that basis, planning permission was granted for a temporary period to enable the applicant to bring forward an appropriate proposal for the site which would enable the harmful temporary features to be permanently removed.



However, whilst the 2 year temporary period has now expired, there is no indication of any progress having been made in bringing those further proposals forward and no very special circumstances have been identified sufficient to permit the further retention of these inappropriate features such that the objection in principle to the (now) unauthorised temporary features remains.

National Guidance identifies that a temporary permission may be appropriate where it is expected that the planning circumstances will change in a particular way at the end of that period, but that it will rarely be justifiable to grant a second temporary permission. It identifies that further permissions should normally be granted permanently or refused if there is clear justification for doing so and that there is no presumption that a temporary grant of planning permission should be granted permanently.

#### The openness of the Green Belt and the impact on the Heritage Assets

The NPPF paragraph 131 states that in determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness and paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the asset's setting. Paragraph 134 states that where the proposals will result in less than substantial harm to heritage assets, that harm should be weighed against the public benefits of the proposals.

The extensive historic grounds in which the manor house stands provide an important context in which to understand its historic relevance.

Whilst the extension to the marquee, pergola and covered walkways are screened such that they would not visually impinge upon the main house, they are of a considerable size and by reason of their extent and scale, the combined structures dominate the formal gardens and walkways and are clearly harmful to the historic setting within which they are located. The structures include a dominant long, white roof and are readily identifiable in the landscape. The combined cumulative impact is significant resulting in the presence of substantial structures where previously there was a formal garden and pathways which would also result in material harm to the openness of the Green Belt.

Guidance produced by English Heritage, entitled "*Temporary Structures in Historic Places*", sets out methods for evaluating such proposals. It identifies that for special events there is a tradition of marquees being erected in the grounds of historic buildings and it recognises that "very short term, genuinely temporary and wholly reversible changes are unlikely to have an unacceptable impact on setting". However, the guidance acknowledges that "longer term or recurrent changes, may have a more serious impact."

In view of the period of time over which the unauthorised structures have been and are proposed to remain, it is considered that they would continue to result in less than substantial but nevertheless significant harm to the historic tapestry of this site and that there are no public benefits of the retention of those features that would outweigh that harm.

## **Summary/Conclusion**

The Marquee extension and covered walkways are considered to comprise inappropriate development within the Green Belt to which there is therefore an objection in principle and in respect of which there are no very special circumstances sufficient to outweigh that harm. Their continuing presence at the site results in less than substantial but nevertheless significant harm to the setting of the heritage assets within the site in respect of which there are no public benefits which would outweigh that harm.

## **REFUSAL REASONS**

- 1 The NPPF states development within the Green Belt by definition is inappropriate unless there are very special circumstances which outweigh the harm.

The proposal relates to the erection of an extension to an existing marquee, pergolas and covered walkways which will be located within the Green Belt.

In the opinion of the Local Planning Authority the marquee extension, pergolas and covered walkways are inappropriate development in the Green Belt which, by definition, are harmful and no very special circumstances to outweigh this harm have been presented.

The development is thereby considered to be contrary to the national objective of protecting the Green Belt.

- 2 Policy DAP4 of the Warwick District Local Plan 1996-2011 states that consent will not be granted for development which will adversely affect the special character, historic interest, integrity or setting of Listed Buildings.

The proposal relates to the erection of a marquee extension, pergolas and covered walkways located within the setting of various Listed Buildings and gardens.

In the opinion of the Local Planning Authority the development has a negative impact on the historic interest, integrity and setting of the Listed Buildings by virtue of its size, appearance and incongruous character when viewed in relation to the historic setting of the Wroxall Abbey complex.

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

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**Planning Committee:** 15 September 2015

**Item Number:** 12

**Application No:** [W 15 / 1107](#)

**Town/Parish Council:** Radford Semele  
**Case Officer:** Emma Spandley

**Registration Date:** 03/08/15

**Expiry Date:** 28/09/15

01926 456533 [emma.spandley@warwickdc.gov.uk](mailto:emma.spandley@warwickdc.gov.uk)

**Radford Barn, Valley Road, Radford Semele, Leamington Spa, CV31 1UT**  
Erection of a single storey side extension FOR Mr Cowgill

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This application has been requested to be presented to Committee by Councillor Doody

### **RECOMMENDATION**

Planning Committee are recommended to refuse planning permission.

### **DETAILS OF THE DEVELOPMENT**

The proposed development is to erect a single storey brick extension to the front of the property.

### **THE SITE AND ITS LOCATION**

The application relates to a converted barn on the site of Barn Farm, Radford Semele. Radford Barn is a two storey dwelling house located within open countryside to the south east of the village of Radford Semele, which is not included in the Green Belt. The site does not benefit from permitted development rights as these were removed as part of the planning permission for the original conversion.

### **PLANNING HISTORY**

In 1989, planning permission was granted for the conversion of a barn to a single dwelling house with a detached garage and store room (ref. W/89/1043).

In 1993, planning permission was granted for the conversion, enlargement and raising the roof height of a barn into a single dwelling house with a detached garage and store room (ref. W/93/0299).

In 2002, planning permission was granted for the demolition and replacement of an existing extension previously erected without planning permission (ref. W/02/0607).

In 2013, 2 planning applications were refused for a proposed conservatory style extension to the rear (ref. W/13/0555) and the erection of a single storey brick extension to the rear (ref. W/13/1178).

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Radford Semele Parish Council** - No objection

**Councillor Doody** - Requested the application be heard at Planning Committee.

## **ASSESSMENT**

The main issues to consider for this application are:

- Whether the proposal constitutes appropriate development within the rural countryside;
- Impact on the design and character of the building.

The principal of the development

Local Plan Policy RAP2 states extensions to dwellings will only be permitted unless they do not result in disproportionate additions to the original dwelling house. The original dwelling house relates to the property as it was built, or as it stood in 1948. In this instance, the barn became a dwelling house in 1993 which granted extensions, alterations and conversion of the existing barn to a single dwelling house. Paragraph 8.25 defines disproportionate additions to dwellinghouses of which represent an increase of more than 40% of the gross floor space of the original dwelling.

The original dwelling, as approved in 1993, had a floor space of 132m<sup>2</sup>. Sometime between 1993 and 2002 a single storey side extension, labelled as 'study' was built and became lawful. In 2002, planning permission was granted to demolish and replace the study extension with a more sympathetic building.

Under the 1993 permission a two storey side extension and a increase in ridge height was granted and this equated to a 56.14m<sup>2</sup> increase. The 2002 permission granted the replacement study extension and this equated to 17m<sup>2</sup>.

The extension the subject of this application has a floor area of 19.36m<sup>2</sup>, which when added to all the previous extensions gives a total combined additional floor space of 92.50m<sup>2</sup>. This equates to a percentage increase of 70%. This is nearly double the 40% limit as set out in Policy RAP2. The proposed extension would therefore represent a disproportionate addition to the original dwelling and on this basis would constitute inappropriate development within the rural, open countryside contrary to Policy RAP2.

The additional floor space added to the original area of the barn would far exceed the 40% limit of what is recognised as an acceptable proportional increase in Local Plan Policy RAP2. Therefore, the proposed development fails to meet the requirements of this policy.

#### Impact on the Design and Character of the building.

Paragraph 58 from the National Planning Policy Framework (NPPF) requires that all development reflects the identity of local surroundings and materials, and responds to local character. This is echoed in Local Plan Policy DP1 which requires all development to harmonise and enhance the character of the existing building.

The Warwick District Local Plan Policy DP1 states extensions should harmonise and enhance existing settlements and reinforce or enhance the established urban character of streets; reflect local architecture and historic distinctiveness and respect the surrounding buildings in terms of scale, height, form and massing.

Whilst the original barn has been changed by the 1993 and 2002 permission, the building still retains a simple architectural style. The extension to the side would alter the simple form and shape of the building.

#### Other matters

In relation to the requirements of Local Plan Policy DP13, there should be no significant increase in energy requirements as a result of the proposed development. Therefore a sustainable building statement detailing this information has not been requested.

In accordance with Local Plan Policy DP2, the dwellinghouse is a sufficient distance away from any neighbouring dwellings as to not cause any harmful impact on the amenity of neighbouring residents. The nearest neighbouring dwelling is at Barn Farm and the building is at least 8 metres away from the application property.

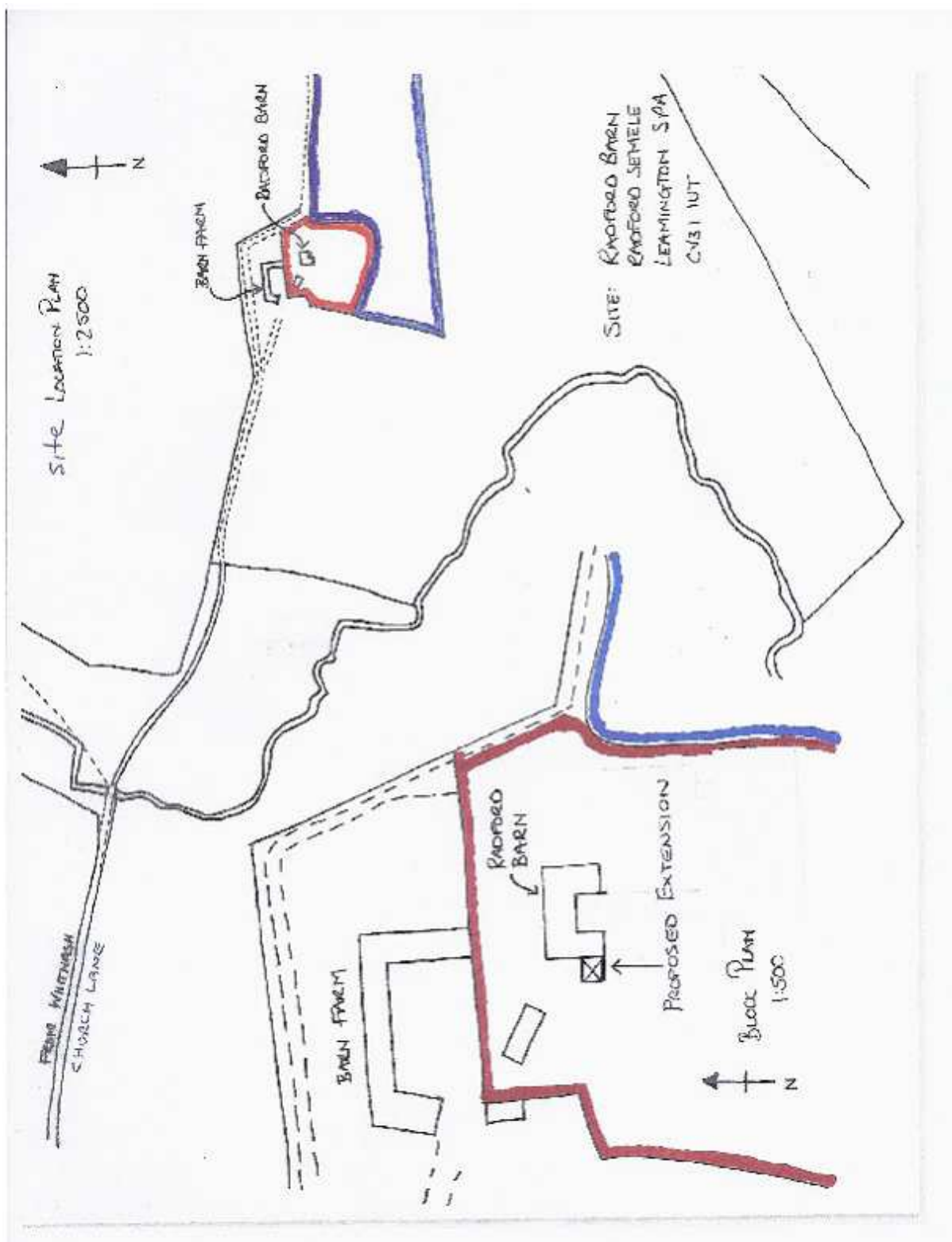
In relation to Local Plan Policy DP3, a nesting bird informative note is to be included on any decision notice granting approval at the request of Warwickshire County Council's Ecology department.

### **Summary/Conclusion**

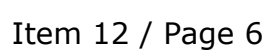
In the opinion of the District Planning Authority, the proposed extension disrupts the simple form of the converted barn by reason of introducing an element which detracts from the original character and appearance of the building, thereby prejudicing the objectives of the aforementioned policy. If permitted, this type of extension could act as a precedent for extensions to other converted barns which would be difficult to resist, thereby cumulatively eroding the character and appearance of the countryside to the detriment of the open countryside within the District.

### **REFUSAL REASONS**

- 1 The proposed extension introduces a disproportionate and unsympathetic feature which disrupts the simple form of the existing building to the detriment of the character and appearance of the surrounding countryside, contrary to policies RAP2 and DP1 of the Warwick District Local Plan (1996-2011).







**Application No:** [W 15 / 1297](#)

**Town/Parish Council:** Eathorpe

**Case Officer:** Liam D'Onofrio

01926 456527 [liam.donofrio@warwickdc.gov.uk](mailto:liam.donofrio@warwickdc.gov.uk)

**Registration Date:** 05/08/15

**Expiry Date:** 30/09/15

**Land at The Fosse, Eathorpe, CV33 9DQ**

Erection of 3no. 3 bedroom dwellings FOR Messrs N & R Reeve

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This application has been requested to be presented to Committee by Councillor Doody.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the erection of three 3-bedroomed detached dwellinghouses. The properties include detached double garages.

The application is accompanied by a Design and Access Statement, Arboricultural Impact Assessment and Ecological Survey. The Design and Access Statement states that the development incorporates a layout which seeks to provide low density, high quality dwellings, thereby remaining sympathetic to the surrounding landscape and land use and mirroring the design aspects of the existing dwellings in the village.

**THE SITE AND ITS LOCATION**

The application site relates to a parcel of land of some 0.52 acres located on the western side of the B4455 Fosse Way. The Old Fosse Way lies to the west of the site and the site will be accessed via an existing bridle way to the north, which also served Eathorpe Park Lodge. The car park of The Plough PH is located to the south. The site is within Green Belt and within the Eathorpe infill village boundary and conservation area.

**PLANNING HISTORY**

W/15/0709 Erection of three 3-bedroom dwellings: Withdrawn 06/07/15 to address Highway Authority comments regarding the access arrangement.

**RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

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

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Eathorpe, Hunningham, Offchurch and Wappenbury Parish Council:** Comments awaited.

**Councillor Redford:** Objection, there is no lack, or great demand for housing within this village. Eathorpe suffers greatly from river flooding and more particularly from flash flooding from the Fosse Way. The drains and drainage are totally inadequate which needs to be resolved before any additional housing is considered. Both the District and County Councils are aware of the serious flooding issues. There are no schools nearer than a car journey away. Inadequate bus service (1 bus a week) and no shop. These proposed properties will not be of a price that a first time buyer would be likely to consider.

**WCC Highways:** Comments awaited. Members will be updated at the meeting, however it is understood that the Highway Authority have undertaken a site visit to assess the access point and an objection is not anticipated.

**WCC Ecology:** No objection, subject to conditions.

**WCC Archaeology:** No objection

**WDC Community Protection:** No objection, subject to condition.

**WDC Green Space:** No open space contributions are considered necessary in this rural location.

## **ASSESSMENT**

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

- Principle;
- Siting and design;
- Impact upon the living conditions of nearby dwellings;
- Car parking and highway safety;
- Health and Wellbeing;
- Ecology/Landscaping;
- Drainage and floodrisk;
- Renewable energy.

### **The Principle of the Development**

The site is within Green Belt where the current Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. The Council's current position is that it cannot demonstrate a five year supply of deliverable housing sites against the housing requirement and Policy RAP1 is to be considered out-of-date.

NPPF paragraph 14 explains that, where relevant policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

The National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate development in the Green Belt unless it is development falling within one of the various categories listed as exceptions. One such category is limited infilling in villages.

The application site falls within the Eathorpe Village Infill boundary, as defined on the emerging Local Plans Proposals Map (No.10). The application site is between built form and the proposed dwellinghouses will sit within the general pattern of development. Whilst there is no definition of 'limited infill' within the framework the insertion of three new units is considered to meet this definition.

The proposal would therefore fall within the category of 'limited infilling in villages' set under NPPF Paragraph 89. Consequently it is concluded the proposal would not be inappropriate development in the Green Belt. There is therefore no

need to consider whether there are other considerations amounting to very special circumstances.

The scheme would largely comply with Policy H11 of the emerging Local Plan, although this seeks to limit development to two dwellinghouses. In this case two dwellinghouses would not make the best use of this land and three dwellinghouses will provide an appropriate layout. Furthermore only limited weight can currently be given to Policy H11 as it is unadopted.

It is considered that the properties would not be 'isolated homes' within the countryside as they would relate to an existing settlement. Paragraph 55 of the NPPF notes that where there are groups of smaller settlements, development in one village may support services in a village nearby.

The scheme is therefore considered to be sustainable, in terms of paragraph 14 of the NPPF and acceptable in principle.

### **Siting and design**

The proposed dwellinghouses will be well sited within the existing pattern of development. They will be well proportioned with appropriate bulk and mass for two storey properties. The proposed design will provide a sympathetic solution with a vertical emphasis to windows and feature chimneys.

The proposed scheme is therefore considered to provide an acceptable scale and design and will not harm the visual amenity of the streetscene and the character of setting of the conservation area.

### **The impact on the living conditions of nearby dwellings**

The proposed dwellinghouses will not breach the 45-degree sightline measured from the habitable windows of neighbouring properties and will meet minimum separation distances between neighbouring properties and also between proposed properties within the application site in compliance with the Council's Residential Design Guide SPG.

The proposed dwellinghouses are not therefore considered to result in any significant loss of light, outlook, privacy or amenity to the occupiers of surrounding properties.

### **Car Parking and Highway Safety**

Following the withdrawal of the original application W/15/0709 the Highway Authority have visited the site and consider that the proposed site access is suitable. The formal response of the Highway Authority is awaited and Members will be updated at the meeting.

The site will provide adequate off-street parking with room for vehicles to turn and exit in a forward gear.

### **Health and Wellbeing**

No health and wellbeing issues are considered to be raised by this application.

## **Ecology and landscaping**

The Ecologist has assessed the Ecological Assessment and raises no objection to the scheme, subject to conditions relating to a scheme of mitigation for reptiles and amphibians, a lighting condition and a condition to secure ecological enhancements, such as bat and bird boxes.

A tree protection condition is suggested to protect mature trees during development and it is also considered prudent to remove permitted development rights to restrict further extensions/out buildings, which could affect the trees root system.

## **Drainage and Flood Risk**

The site is located within Flood Zone 1, in which there is no requirement to consult the Environment Agency. The Council's Health & Community Protection Team have, in terms of flood risk, raised no objection to the scheme but have suggested a drainage and SUDs condition to avoid any localised flooding issues.

## **Renewable Energy**

The buildings will need to be constructed to provide either 10% of the predicted energy requirement of the development from renewable energy resources, or a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials. This can be successfully secured through the standard planning condition.

## **Affordable Housing**

The provision of three dwellinghouses within the rural area triggers the need for the provision of 40% affordable housing in accordance with Local Plan Policy SC 11. For small scale developments, such as this one, this can be successfully secured through a planning condition.

## **SUMMARY/CONCLUSION**

In the opinion of the Local Planning Authority, the development is acceptable in principle and respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents, flood risk or highway safety. The proposal is therefore considered to comply with the policies listed.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

approved drawing(s) 8853/1 (Plot 1), 8853/1 (Plot 2), 8853/1 (Plot 3), 8853/1 (Location - Site Plan) and specification contained therein, submitted on 05/08/15 and 02/09/15. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall be carried out in strict accordance with details of surface water drainage works that shall have been submitted to and approved in writing by the local planning authority. Details shall include plans showing any existing and proposed drainage systems for the site, showing the location of yard gullies, manholes soakaways, and pipes including shape, material, pipe falls in relation to the proposed building and sustainable urban drainage methods. If soakaways are suggested details of porosity tests to determine suitability should also be submitted for agreement. **REASON**: To ensure that a satisfactory means of drainage is provided such as to minimise flooding in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not commence until a detailed schedule of mitigation measures for reptiles and amphibians has been submitted to and approved in writing by the Local Planning Authority. A reptile survey must be carried out at the appropriate time of year, during appropriate weather conditions, by a suitably qualified ecologist to inform the necessary mitigation. These approved mitigation measures shall thereafter be implemented in full. **Reason**: To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District local Plan 1996-2011 and the NPPF.

- 6 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted on the eastern edge of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- low pressure sodium lamps or low brightness LEDs should be used in preference to high pressure sodium or high brightness LEDs;
  - Blue spectrum lighting should be minimised and filtered where possible;
  - the brightness of lights should be as low as legally possible;
  - lighting should be timed to provide some dark periods;
  - connections to areas important for foraging should contain unlit stretches.
- Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and the NPPF.
- 7 No development shall commence until a schedule of ecological enhancements for the housing development has been submitted and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details of the following: installation of bat, bird and insect boxes, native tree planting and enhancement of retained habitats. The works and ecological enhancement shall thereafter be carried out in accordance with the approved details.
- Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District local Plan 1996-2011 and the NPPF.
- 8 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
- i. The numbers, type and location of the site of the affordable housing provision to be made;
  - ii. The timing of the construction of the affordable housing;
  - iii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
  - iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.
- The agreed scheme shall be implemented in accordance with the approved details prior to the occupation of any of the residential units hereby permitted. **Reason :** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC of the Warwick District Local Plan 1996-2011.



- 9 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features during site construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 10 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A or E of Part 1 of Schedule 2 of this Order. **REASON:** That due to the development's close relationship with the adjoining mature trees it is considered necessary to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP3 of the Warwick District Local Plan 1996-2011.
- 12 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 13 The development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved

drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

**REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

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**Planning Committee:** 15 September 2015

**Item Number:** 14

**Application No:** [W 15 / 1138](#)

**Town/Parish Council:** Warwick

**Case Officer:** Liam D'Onofrio

01926 456527 [liam.donofrio@warwickdc.gov.uk](mailto:liam.donofrio@warwickdc.gov.uk)

**Registration Date:** 15/07/15

**Expiry Date:** 09/09/15

**Bridge Garage, 162-163 Birmingham Road, Warwick, CV34 5RH**

Demolition of existing garage building and erection of 8 residential flats and associated car parking/landscaping. FOR Mr Michael Rainbow

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the demolition of Bridge Garage and the erection of a building accommodating 8 flats and associated parking spaces, bin and cycle storage and landscaping. The building consists of four one-bedroomed flats at ground floor and four 2-bedroomed flats at first floor.

The current vehicular access off Birmingham Road will be closed and the site will be accessed from St Mary's Close where provision will be made for ten parking spaces, communal bins and a cycle store.

The application is accompanied by a Protected Species Survey, Energy Statement and Design and Access Statement, which indicates that: "The flats are designed such that at ground floor there is a route from the pavement along Birmingham Road through to the rear of the site and the car parking area. Communal areas are designed with security entrance doors to avoid unwanted entry. Ground floor flats will have extra wide doorways and level thresholds to cater for wheelchairs".

**THE SITE AND ITS LOCATION**

The application site relates to Bridge Garage (also known as Warwick Batteries and Warwick Tyres) which is located on the northern side of the Birmingham Road within the built up area of Warwick. The site is bounded by residential properties to the north and east and The Dun Cow PH is located to the western boundary. The grand Union Canal is located on the opposite side of the highway to the south.

## **PLANNING HISTORY**

W/15/0537: Proposed demolition of existing garage building, trading as a battery & tyre business and change of use; erection of 8 flats and associated car parking: Withdrawn 26/05/15 to secure a bat survey and re-design of proposed apartments.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

### Guidance Documents

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

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Objection, the proposal represents an overdevelopment of the site and consequently would not meet the requirements

of Policy DP1. The present proposal will greatly increase traffic flows and have a detrimental effect on the area. Additionally there is a limited provision for car parking.

**Inland Waterways:** No objection.

**Canals and Rivers Trust:** No objection.

**WCC Highways:** No objection, subject to conditions.

**WCC Archaeology:** No objection.

**WCC Ecology:** No objection, notes suggested.

**WCC Landscape, Ecology and Historic Environment:** No objection, suggest hard and soft landscaping condition.

**Public response:**

There have been five letters of objection raising the following concerns:

- The access should be on the Birmingham Road.
- Quiet nature of St Mary's Close/St Christopher's Close will be altered.
- St Mary's Close is a narrow cul-de-sac/unsuitable for extra traffic.
- Potential highway/pedestrian safety issues.
- Insufficient parking provision/existing on-street parking problems in the locality.
- Possible restriction to access of emergency vehicles.
- Loss of privacy, noise and disturbance.

A multi-signature letter with 43 signatures from local residents has been received raising the following objections:

- The opening onto St Mary's Close, as it is a single road.
- The parking, congregating around St Christopher's Close and St Michael's Road.
- Whether the Police need to be consulted, as it may not be legal [regarding parking?].
- Allocation of 8-10 parking spaces, 2.4 cars to a family, does not add up.
- The applicant obviously doesn't care about Warwick or the 80% of OAPs that live in the close.

**ASSESSMENT**

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

- Principle;
- Character and appearance;
- Neighbouring amenity;
- Highway safety;
- Flood risk;
- Renewable energy;
- Ecology;
- Health and Wellbeing.

## **The Principle of the Development**

Policy UAP1, which states that residential development will be permitted on previously developed land and buildings within the confines of the urban area. Despite the scheme's compliance with Policy UAP1 the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement.

The Council's current position is that it cannot demonstrate a five year supply of deliverable housing sites against the housing requirement and Policy UAP1 is to be considered out-of-date.

In terms of National policy the NPPF seeks to significantly boost the supply of housing and indicates that housing applications should be considered in the context of sustainable development. Paragraph 14 of the NPPF states that at the heart of the framework is the presumption in favour of sustainable development. Para.14 states that where the Development Plan is out-of-date, as in the case of Policy UAP1, permission should be granted provided that any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where there are no specific policies in the NPPF that indicate that development should be restricted.

The site is within a sustainable location and will re-use previously developed land. Officers consider that approving this development would be consistent with paras.14 and 49 of the NPPF and non-housing supply policies of the Local Plan (considered up-to-date where consistent with the NPPF).

The scheme is therefore considered to be acceptable in principle.

## **The impact on the Character and Appearance of the Area**

In design terms the previous scheme submitted under W/15/0537 followed the post-war design of properties on St Mary's Close; however it was considered that as the development fronts the Birmingham Road it is viewed within the context of The Dun Cow PH as a small building group. The applicant has amended the design accordingly to better reflect the character and design of The Dun Cow PH.

The proposed building will have a vertical emphasis to windows and a strong rhythm appearing as a terraced block. The building provides an active frontage with pedestrian entrances and a landscaped garden beyond a boundary wall. The siting of the building is appropriate, following a natural step within the building line, set forward of No.5 St Mary's Close and set back from The Dun Cow PH.

The demolition of the existing buildings and replacement with this residential scheme is considered to provide a significant visual enhancement to the streetscene on this main radial route into Warwick Town Centre.

## **The impact on the living conditions of nearby dwellings**

The proposed apartment building will not breach the 45-degree sightline as measured from habitable windows within adjoining properties on St Mary's Close. The Dun Cow PH has three windows facing onto the site, which relate to a living-room, kitchen and office. These windows are situated 5.5 metres from the application site boundary and are, more significantly, situated at first floor level serving the flat over the public house. The windows will therefore look onto the upper part of the proposed building, which is a gable end with a pitch roof dropping either side from the ridge. Officers consider that the impact to these first floor windows is akin to a ground floor windows facing onto a boundary wall and the impact upon light and outlook to the occupier of the public house is not considered to be so significant as to warrant refusal of the scheme.

There are side-facing windows proposed in the apartment building and a condition is suggested to ensure that the first floor units are obscure glazed to avoid any overlooking potential. This is considered acceptable as the windows will serve small kitchens within no dining area.

The development will meet all other necessary separation distances and is not considered to result in any significant impact upon the amenities of the occupiers of other surrounding properties.

A standard land contamination condition is suggested given the current use of the building and the fact that the site relates to a former petrol station and remediation of the land may be necessary.

### **Car Parking and Highway Safety**

The Highway Authority have raised no objection, subject to conditions. It is noted that access for the existing site is currently gained from the A425 Birmingham Road and access from the proposed development would be from the end of the existing turning head of St Mary's Close. The concerns of existing residents are noted, however the Highway Authority have raised no objection to using this road as an access to the site. The Highway Authority also note that the parking provision for the development is in accordance with the Council's Vehicle Parking Standards SPD and is within a sustainable location.

The bin store will be conveniently located close to the public highway for collection.

### **Drainage and Flood Risk**

The site is located in Flood Zone 1 and therefore no flood risk issues are raised. A condition is suggested to secure either permeable hardstanding or to direct surface water run off to a porous area within the site.

### **Renewable Energy**

The scheme will require the provision of either renewable technology to meet 10% of the predicted energy requirements for the dwellinghouse or a fabric first construction to reduce the energy demand of the property. This can be secured through condition.

## **Ecological Impact/landscaping**

The County Ecologist has assessed the Protected Species Survey and raises no objections to the scheme. The Ecologist has suggested a bat and nesting bird note, an indigenous planting note and sensitive lighting note be attached to any approval granted.

Hard landscaping details to include new boundary walls and planting details can be secured by condition to ensure an appropriate finish to the development.

## **Health and Wellbeing**

There are no health and wellbeing issues raised by this scheme.

## **Open space**

The scheme will require an open space contribution in accordance with Policy SC13, which can be secured by condition.

## **SUMMARY/CONCLUSION**

In the opinion of the Local Planning Authority, the development is acceptable in principle, respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2015-1523-06B, 2015-1523-07B, 20-15-1523-05 B, and specification contained therein, submitted on 14/07/15. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sub>2</sub> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied



until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.  
**REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

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

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

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

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

- 5 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority.

**REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

- 6 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the apartments hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives

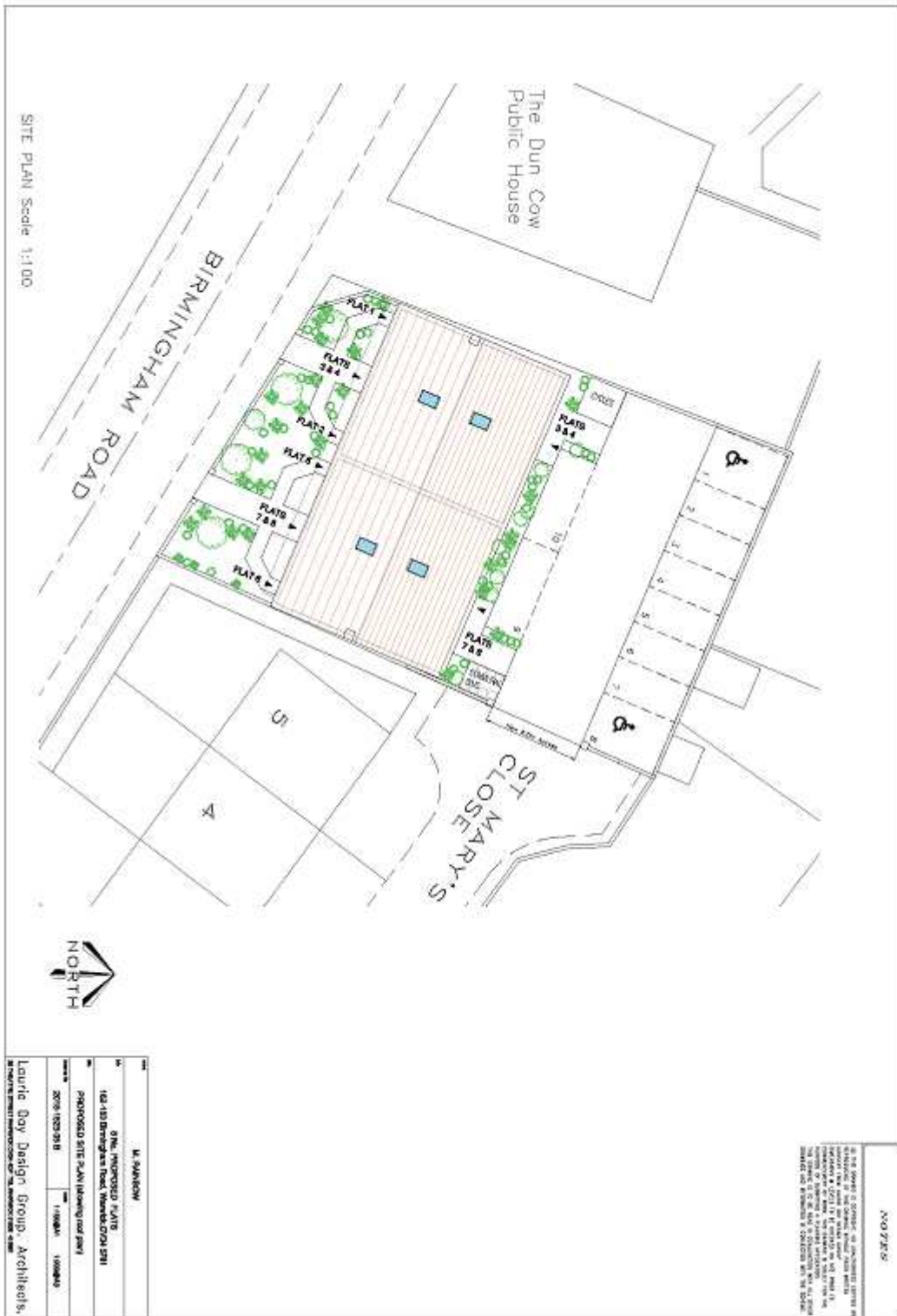
written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

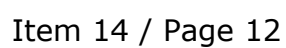
- 7 The development hereby permitted shall not be commenced unless and until details for secure, covered cycle parking and a bin storage area have been submitted to and approved in writing by the local planning authority. The approved schemes shall be implemented in full prior to first occupation of the development and thereafter those facilities shall remain available for use at all times. **REASON:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development and to protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of contamination within the application site that has been undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been submitted to and approved in writing by the local planning authority. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.
- 9 The development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
- 10 The means of vehicular access to the development hereby permitted shall be from St Mary's Close only. The existing vehicular access to the development on the Birmingham Road shall be closed and the kerb and footway reinstated in accordance with the standard highway specification prior to first occupation of the development hereby approved. **REASON:** In the interests of highway safety in accordance

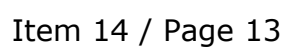
with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor kitchen window(s) to be formed in the side facing elevations of the building hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.









**Planning Committee:** 15 September 2015

**Item Number:** 15

**Application No:** TPO 490

**Town/Parish Council:** Kenilworth  
**Case Officer:** Rajinder Lalli

**Registration Date:**  
**Expiry Date:**

**Former Ford Foundry car park r/o Myton Crofts, Warwick**

Confirmation of Provisional Tree Preservation Order relating to group of 22 semi mature trees

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This Tree Preservation Order (TPO) is being presented to Committee because an objection has been received to it being confirmed.

**RECOMMENDATION**

Planning Committee are recommended to authorise officers to confirm TPO 490 without modification.

**BACKGROUND**

It was brought to the Council's attention that some land clearing had taken place and trees removed to the rear of Myton Crofts Warwick.

Residents and Councillors raised concerns in respect of the loss of trees to their rear boundaries in Myton Crofts, Warwick.

**ASSESSMENT**

The trees are located to the rear boundaries of properties located at 11-23 Myton Crofts, Warwick.

They form a line of 22 semi mature trees of mixed species. Collectively these trees form an important linear arboricultural feature in the locality, both as a landscape feature that provides a softening to the vicinity, and as valuable screening between the existing residential area and existing and any proposed commercial areas.

**OBJECTION**

The Council received an objection to the making of the Order on 8th May 2015 from the property owner immediately adjacent the tree (the Planning applicant), stating the following:-

1. The TPO is inappropriate as they are not an arboricultural feature
2. They may present a danger to local residents in the future
3. The trees are of a poor specimen
4. Screening and landscaping for proposed developments should form part of the development application.
5. The Council should provide screening from the waste site.

**KEY ISSUES**



The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the trees are of sufficient amenity importance to justify a TPO, and whether the public benefit afforded by the trees outweighs any private inconvenience experienced by individuals.

As set out in the introduction, the tree is considered to be of significant amenity value for the residents in Myton Crofts. They provide a landscape feature that provides a softening to the vicinity, and, as a valuable screen between existing and proposed commercial sites.

In terms of the objections made by the land owner, no qualified justification has been submitted in support of his statements.

The effect of the Tree Preservation Order is to bring future work to the trees under the Council's control. It does not prevent future routine maintenance and an application to carry out further works can be made at any time.

A Tree Preservation Order also assists the Council to ensure continuity of cover by enabling the Council to require replacement planting in any future circumstances should it become appropriate to permit the removal of any of the trees.

Insurance liability for trees subject to a TPO generally rests with the property owner. However, following any refusal by the Local Authority of an application to undertake works to a TPO tree, compensation may be claimed within 12 months of the date of that decision for loss or damage which was reasonably foreseeable when the application was decided.

## **SUMMARY/CONCLUSION**

It is not considered that the issues raised in objection to the Tree Preservation Order are sufficient to outweigh the significant amenity contributions which the tree makes to the surrounding area.

**Planning Committee:** 15 September 2015

**Item Number:16**

**Application No:** TPO 491

**Town/Parish Council:** Kenilworth  
**Case Officer:** Rajinder Lalli

**Registration Date:**  
**Expiry Date:**

**Land adjacent 29 Dencer Drive Kenilworth Warwickshire**  
Confirmation of Provisional Tree Preservation Order relating to 1 Oak tree  
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This Tree Preservation Order (TPO) is being presented to Committee because an objection has been received to it being confirmed

**RECOMMENDATION**

Planning Committee are recommended to authorise officers to confirm TPO 491 without modification.

**BACKGROUND**

A Planning application was received on 19 May 2015 for the erection of a two storey side extension at 29 Dencer Drive, Kenilworth.

A site visit by the Planning Case Officer revealed a mature Oak tree immediately adjacent the site.

The application was made invalid awaiting a tree survey from the applicant. To date no tree survey has been received.

**ASSESSMENT**

The mature Oak Tree sits within a hedgerow that forms the eastern boundary of 29 Dencer Drive Kenilworth and the neighbouring area of open space.

The tree is highly visible from the street scene and is therefore considered to significantly contribute towards the visual amenity of the immediate area.

The tree was assessed using the Tree Evaluation Method For Preservation Orders (TEMPO). The assessment did not indicate there was evidence of structural weakness or disease.

The application for the proposed two storey development means that there is a foreseeable risk to the tree with the proposed development within the Root Protection Area (RPA) and below its canopy.

No tree survey has been submitted to show how the development can be constructed or altered in such a manner to protect the tree.

**OBJECTION**

The Council received an objection to the making of the Order 6<sup>th</sup> July 2015 from the property owner immediately adjacent the tree (the Planning applicant), stating the following:-

1. The TPO will prohibit the construction of the extension because of its enhanced protection to the tree.
2. They have had professional pruning and removal of ivy from the tree carried out as they value the tree. Removal of new ivy growth is carried out by them.
3. In considering the design of the extension the welfare of the tree was considered and they submitted an application on that basis.
4. The purpose of the planning application is to improve the upstairs accommodation so that their elderly mother can stay.
5. Given the nature of the plot, there is no other alternative place for the extension to achieve the same benefits.

### **KEY ISSUES**

The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the tree is of sufficient amenity importance to justify a TPO, and whether the public benefit afforded by the tree outweighs any private inconvenience experienced by individuals because of the tree.

As set out in the introduction, the tree is considered to be of significant amenity value within the surrounding area.

The planning application form did not indicate (section 7) how the trees would be affected by the development. No tree survey has been submitted to show method of construction that would protect the tree from the development or during construction. It is therefore considered there is a foreseeable threat to the tree.

The effect of the TPO is to bring future work to the tree under the Council's control. It will also ensure measures are taken to protect the tree from future development that may affect the tree.

### **SUMMARY/CONCLUSION**

It is not considered the issues raised in objection to the TPO are sufficient to outweigh the significant amenity contribution which the tree makes to its surrounding area.