

# Planning Committee

Tuesday 12 September 2017

---

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 12 September 2017 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Day (Vice Chairman)

Councillor Boad

Councillor Mrs Hill

Councillor Mrs Bunker

Councillor Morris

Councillor D'Arcy

Councillor Mrs Stevens

Councillor Edgington

Councillor Weed

Councillor Heath

## Emergency Procedure

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

## Agenda

### Part A – General

#### 1. Apologies and Substitutes

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

#### 2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 15 August 2017.

**(Item 4/Page 1)**

**Part B – Planning Applications**

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

- |     |   |                        |
|-----|---|------------------------|
| 5.  | <b>W/17/0935 – 28 Home Close, Bubbenhall</b>  | <b>(Pages 1 to 5)</b>  |
| 6.  | <b>W/17/0998 – Elisabeth The Chef Ltd, St Mary's Road,<br/>Royal Leamington Spa</b><br><b>**This is a major application**</b>   | <b>(Pages 1 to 19)</b> |
| 7.  | <b>W/17/1077 – The Limes, 21 Guys Cliffe Avenue, Royal<br/>Leamington Spa</b>   | <b>(Pages 1 to 9)</b>  |
| 8.  | <b>W/17/1094 – 135 Warwick Road, (including rear builders<br/>yard), Kenilworth</b>   | <b>(Pages 1 to 8)</b>  |
| 9.  | <b>W/17/1150 – Tyre World, Farmer Ward Road, Kenilworth</b>   | <b>(Pages 1 to 5)</b>  |
| 10. | <b>W/17/1163 – 104 Telford Avenue, Lillington, Royal<br/>Leamington Spa</b>   | <b>(Pages 1 to 4)</b>  |
| 11. | <b>W/17/1245 – Land South of Briardene, Honiley Road,<br/>Beausale</b>  | <b>(Pages 1 to 8)</b>  |
| 12. | <b>W/17/1278 – The Orchard, Coventry Road, Stoneleigh</b>   | <b>(Pages 1 to 12)</b> |
| 13. | <b>W/17/1301 – 33 Watling Road, Kenilworth</b>  | <b>(Pages 1 to 7)</b>  |
| 14. | <b>W/17/1362 – Hillcroft, Red Lane, Burton Green</b>  | <b>(Pages 1 to 11)</b> |
| 15. | <b>W/17/1411 – Land to the North and South of the A45<br/>(between Festival and Tollbar Junctions) and land at the<br/>A45/Festival Roundabout, and A46/Tollbar Roundabout<br/>and at junctions of A444 with the A4114/Whitley<br/>Roundabout, Coventry</b><br><b>**This is a major application**</b> | <b>(Pages 1 to 23)</b> |
| 16. | <b>CAAD HS2 – Land at New Kingswood Farm, Dalehouse<br/>Lane, Kenilworth</b>  | <b>(Pages 1 to 4)</b>  |

**Part C – Other matters**

- |     |                       |                    |
|-----|-----------------------|--------------------|
| 17. | <b>Appeals Report</b> | <b>(To follow)</b> |
|-----|-----------------------|--------------------|

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and

consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.

- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email [committee@warwickdc.gov.uk](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.

Published Monday 4 September 2017

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

Telephone: 01926 456114

E-Mail: [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)

For enquiries about specific reports, please contact the Case Officer named in the reports. You can e-mail the members of the Planning Committee at

[planningcommittee@warwickdc.gov.uk](mailto:planningcommittee@warwickdc.gov.uk)

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

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

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

# Planning Committee

Minutes of the meeting held on Tuesday 15 August 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Cooke (Chairman); Councillors Boad, Mrs Bunker, D'Arcy, G Cain, Day, Edgington, Heath, Morris, Mrs Stevens and Weed.

**Also Present:** Committee Services Officer – Mrs Dury; Legal Advisor – Mr Howarth; Head of Development Services – Mrs Darke; and Manager, Development Services – Mr Fisher.

## 51. **Apologies and Substitutes**

(a) There were no apologies.

(b) Councillor G Cain substituted for Councillor Mrs Hill.

## 52. **Declarations of Interest**

There were no declarations of interest.

### Minute Number 55 – W/17/0526 – 9 Old Square, Warwick

Councillor Edgington declared an interest because the application was discussed by Warwick Town Council Planning Committee. He was not present when this occurred.

### Minute Number 56 – W/17/0527 LB – 7 and 9 Old Square, Warwick

Councillor Edgington declared an interest because the application was discussed by Warwick Town Council Planning Committee. He was not present when this occurred.

### Minute Number 60 – W/17/0953 – 52 Queen Street, Cubbington

Councillor Mrs Stevens declared an interest because she attended Cubbington Parish Council meetings and part of Cubbington was in her Ward.

### Minute Number 61 – W/17/1091 – 47 Cubbington Road, Lillington

Councillor Cain declared an interest because the application site was in his Ward and he had discussed the application as a Member of the Warwick District Conservation Advisory Forum. He stated that he would not make any comments or vote.

Councillor Mrs Stevens declared an interest because the application site was in her Ward. She was also a member of Lillington Local History Society and she would be addressing the Committee on this application. She sat with members of the public whilst this application was discussed.

## **PLANNING COMMITTEE MINUTES (Continued)**

Minute Number 67 – W/17/1068 – 3 Archers Row, Acre Close, Whitnash

Councillor Mrs Bunker declared an interest during discussions of this application when she realised that she might know the applicant. She did not participate further in debate of the application and she did not vote.

Councillor Heath declared an interest because the application site was in his Ward and he knew the applicant. He left the room whilst this application was discussed.

### **53. Site Visits**

There were no site visits, but during discussion of application W/17/0953 – 52 Queen Street, Cubbington, Councillor Cain stated that he had driven by the property to view from the outside.

### **54. Minutes**

The minutes of the meeting held on 18 July 2017 were taken as read and signed by the Chairman as a correct record.

### **55. W/17/0526 – 9 Old Square, Warwick**

This application was withdrawn by the applicant.

### **56. W/17/0527/LB – 7 and 9 Old Square, Warwick**

This application was withdrawn by the applicant.

### **57. W/17/1000 – 23 St Mary's Road, Royal Leamington Spa**

Following the withdrawal of Royal Leamington Spa Town Council's objection, the application was withdrawn from the agenda and was determined under delegated powers.

### **58. W/17/1009 – Durham Ox, 111 Shrewley Common, Shrewley**

This application was withdrawn from the agenda following the provision of additional information from the applicant providing details of the special circumstances case and the revision of the proposal to include the removal of an existing outbuilding. Officers were satisfied that in the particular circumstances of this case, planning permission could now be granted under delegated powers.

### **59. W/17/0755 – House, 97A Warwick Street, Royal Leamington Spa**

The Committee considered a retrospective application from Citycorp Holdings Limited for a change of use of the first and second floors to a HMO (use Class C4).

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

The officer was of the opinion that following the submission of an appropriate waste management solution, it was considered that the

## **PLANNING COMMITTEE MINUTES (Continued)**

previous reason for refusal had been overcome and it was therefore recommended that planning permission should be granted.

Miss Hingley addressed the Committee in support of the application. (A Town Councillor who had registered to speak against the application, on behalf of the Town Council, had notified the District Council on the day of the meeting that he no longer wished to make further representations in light of the amendments that had been made to the application.)

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Heath that the application should be granted.

The Committee therefore

**Resolved** that W/17/0755 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 26th April 2017 and approved drawings 170020 FP, and specification contained therein, submitted on 1st June 2017.  
**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (2) the development hereby permitted shall proceed only in strict accordance with the recommendations of a noise assessment, which shall be submitted in accordance with the principles of PPG24 'Planning & Noise'. The noise assessment shall include results for LAeq, LA10, and LA90 noise descriptors, together with a calculated arithmetical average for the LAeq. The assessment will demonstrate by calculation that internal noise levels for the proposed residential property meet the 'Good' criteria set out in British Standard 8233 'Sound Insulation and Noise Reduction for Buildings' together with any mitigation measures that are required to achieve this. The report shall also demonstrate that outdoor garden and leisure areas associated with this development meet the 55dB limit as required by the World Health Organisation (WHO). The survey shall be submitted within 3 months of the decision date. Any necessary mitigation measures shall have been implemented in full accordance with the recommendations of the noise assessment within 3 months of the approval of this

## **PLANNING COMMITTEE MINUTES (Continued)**

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

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

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

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

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

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

### **60. W/17/0953 – 52 Queen Street, Cubbington**

The Committee considered an application from Mr Soden for the proposed change of use from shop to a single two-bed dwelling.

The application was presented to Committee because Cubbington Parish Council supported the application and it was recommended for refusal.

The officer was of the opinion that the proposed change of use would not adversely affect the character and appearance of the area, the special qualities, character and appearance of the conservation area and would not have a detrimental impact on local residents. However, the principle of development was contrary to the relevant provisions of the Development Plan and emerging Local Plan and notwithstanding the information that had been submitted regarding the loss of the shop, the proposed change of use to a dwelling did not represent a community facility or service nor was there any justification as to what local need this proposal would satisfy. For these reasons the development would therefore be contrary to saved Local Plan policy UAP4 and emerging Local Plan policy TC17 as it would not replace the loss of the shop with an alternative community service or facility.

## **PLANNING COMMITTEE MINUTES (Continued)**

Mr Baldwin addressed the Committee in support of the application.

The Chairman confirmed with Mr Baldwin that the property had been vacant, off and on, for four and half years. It had also been let for a short period of time.

A motion to grant permission was defeated. Members felt it was important to adhere to policy so that a precedent was not set for future applications of this nature. They noted Mr Baldwin's statement that the property had only been marketed for commercial use for six months and felt that a minimum term of 12 months' marketing was appropriate to consider a change of use.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Boad that the application should be refused.

The Committee therefore

**Resolved** that W/17/0953 be **refused** because saved policy UAP4 of the Warwick District Local Plan 1996-2011 and emerging policy TC17 of the New Warwick District Local Plan 2011-2029 both seek to protect local shopping centres, stating that changes of use from A-class uses to all other uses will not be permitted unless the proposal is for a community service or facility which can be demonstrated to meet a particular local need and which can be satisfactorily controlled by a planning condition.

The proposal seeks to change the existing retail unit (use class A1) to a residential dwelling (use class C3). Notwithstanding the information that has been submitted regarding the loss of the shop, the proposed change of use to a dwelling does not represent a community facility or service nor is there any justification as to what local need this proposal would satisfy. The loss of the shop and its change of use to a dwelling is therefore not considered to be acceptable in principle.

For these reasons the Local Planning Authority considers the development is contrary to saved policy UAP4 of the Warwick District Local Plan 1996-2011 and emerging policy TC17 of the New Warwick District Local Plan 2011-2029

### **61. W/17/1091 – 47 Cubbington Road, Lillington**

The Committee considered an application from Mr and Mrs Scale for the demolition of numbers 43-47 Cubbington Road, Royal Leamington Spa and the erection of one replacement residential dwelling together with the demolition of an existing garage block and the erection of a two-storey garage block (amendments to planning approval reference W/16/0286).



## **PLANNING COMMITTEE MINUTES (Continued)**

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

The officer was of the opinion that the proposal would not have a detrimental impact on the street scene or character of the Conservation Area. The development would have no adverse impact on neighbours. The application was thereby considered to adhere to the objectives of the local plan policies listed and should be approved.

An addendum circulated at the meeting outlined additional comments received from a local resident and Historic England. Officer comments to these were outlined in the addendum. In overall terms, it was considered that the proposal outweighed the limited harm to the character of the Conservation Area. The Conservation Officer had requested additional conditions to be added to any approval granted.

The Head of Development Services listed out additional conditions to form part of the recommendation for approval of this application as:

- facing materials to be agreed and samples of facing materials to be provided;
- roofing materials to be agreed and samples of roofing materials to be provided;
- large scale details of window and external door designs and materials to be submitted and agreed;
- removal of all Permitted Development Rights; and
- to make good any impact of the neighbouring property.

The following people addressed the Committee:

- Mr Brain, speaking in support of the application; and
- Councillor Mrs Stevens, Ward Councillor, objecting to the application.

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

The Committee therefore

**Resolved** that W/17/1091 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
  - (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 700284-PL-004C, 700284-PL-005C, 700284-PL-006C, 700284-PL-007C
- Item 4 / Page 6

## PLANNING COMMITTEE MINUTES (Continued)

and 700284-PL-008B, and specification contained therein, submitted on 12th June 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) no works shall take place unless a programme to photographically record the internal and external building fabric to be demolished as part of the approved works has been submitted to and approved in writing by the local planning authority and the approved programme has been implemented. **Reason:** To ensure the appropriate recording of features or buildings before development commences that are Important to the understanding of the Districts historical development in accordance with Policy DAP4 & DP3 of the Warwick District Local Plan 1996-2011;
  - (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of colour finishes) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
  - (5) 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
- Item 4 / Page 7

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (6) 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;
  - (7) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows or doors shall be inserted at ground or first floor level in the ancillary accommodation/garage/workshop. **Reason:** Due to the nature of the development and its relationship with adjoining properties it is considered important to ensure that no additional windows or doors are provided without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;
  - (8) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation (*Updated Tree Report for 43-47 Cubbington Road, Leamington Spa, Warwickshire, CV32 7AA* completed by Cotswold Wildlife Surveys and submitted to the Local Authority on 2nd August 2017) have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless
- Item 4 / Page 8

## **PLANNING COMMITTEE MINUTES (Continued)**

otherwise agreed in writing by the local planning authority. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (9) the hereby approved shutters serving the garage block shall be installed prior to occupation, and shall be installed in such a way that they cannot open fully, providing an obscure view from the garage. The shutters shall remain in perpetuity unless otherwise agree in writing by the Local Authority.

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

- (10) conditions stipulated in the addendum and at the meeting:

- facing materials to be agreed and samples of facing materials to be provided;
- roofing materials to be agreed and samples of roofing materials to be provided;
- large scale details of window and external door designs and materials to be submitted and agreed;
- removal of all Permitted Development Rights; and
- to make good any impact of the neighbouring property.

### **62. W/17/0864 – Former Dairy Crest Depot, Quarry Street, Milverton, Royal Leamington Spa**

The Committee considered an application from Deeley Homes for a minor material amendment to planning permission W/16/0482 to include minor changes to the design and layout of the dwellings, boundary treatments, parking areas and the tenure of the affordable units. Planning Permission W/16/0482 was for the erection of 18 dwellings.

The application was presented to Committee because it was recommended that planning permission should be granted subject to the completion of a legal agreement.

The officer was of the opinion that the proposed amendments would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore the proposals were considered to be acceptable in terms of car parking and highway safety and in terms of affordable housing and section 106 contributions. Therefore it was recommended that planning permission should be granted for the proposed amendments.

## **PLANNING COMMITTEE MINUTES (Continued)**

Following consideration of the report and presentation it was proposed by Councillor Boad and seconded by Councillor Bunker that the application should be granted subject to the completion of a satisfactory Section 106 Agreement. Delegated authority was given to the Head of Development Services to refuse planning permission if the Section 106 had not been agreed by 4 September 2017.

The Committee therefore

**Resolved** that W/17/0864 be **granted** subject to conditions, listed below, and subject to the completion of a satisfactory Section 106 Agreement. Should a satisfactory Section 106 Agreement not have been completed by 4 September 2017, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

Approved 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 drawing(s) 3412-115A, 3412-121A, 3412-125A, 3412-126A, 3412-130A & 3412-131A, and specification contained therein, submitted on 11 May 2017. **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 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;
- (4) no part of the development hereby permitted shall be commenced until a scheme for the provision of suitable bird and bat boxes has been submitted to and approved in writing by the local planning authority. The scheme shall

## **PLANNING COMMITTEE MINUTES (Continued)**

include details of box type, location and timing of works. The bird and bat boxes shall be installed in strict accordance with the approved details and shall be retained at all times thereafter. **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;

- (5) 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;

- (6) 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
- Item 4 / Page 11

## **PLANNING COMMITTEE MINUTES (Continued)**

development shall be carried out in strict accordance with these approved details.

**Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (7) 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.

## PLANNING COMMITTEE MINUTES (Continued)

**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;

- (8) 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;
- (9) no development shall commence until details of measures to protect residents of the development from excessive traffic and commercial noise entering habitable rooms or garden areas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To ensure that occupants of the development are not adversely affected by traffic and commercial noise, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (10) immediately prior to the commencement of demolition works (on the same day) the interior of the smaller of the two existing buildings on the site and all potential access features in both buildings identified in the Bat Presence/Absence Survey produced by Innovation Group Environmental Services (August 2015) shall be inspected by a suitably
- Item 4 / Page 13



## PLANNING COMMITTEE MINUTES (Continued)

qualified bat worker. 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 Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (11) no development shall commence until details of all retaining walls have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the details approved under this condition. **Reason:** For the avoidance of doubt and to ensure a satisfactory design and appearance for the development, in accordance with Local Plan Policy DP1;
- (12) 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;
- (13) the development hereby permitted shall only

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (14) 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
- Item 4 / Page 15

## **PLANNING COMMITTEE MINUTES (Continued)**

surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (15) the development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter.

**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;

- (16) for the duration of construction works no heavy goods vehicles shall enter or leave the site between 0700 hours and 0900 hours or between 1600 hours and 1800 hours on Mondays to Fridays. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

- (17) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011; and

- (18) the access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

### **63. W/17/0894 – Land South of Gallows Hill / West side of Europa Way, Warwick**

## **PLANNING COMMITTEE MINUTES (Continued)**

The Committee considered an application from Gallagher Estates Limited to vary and omit conditions to reflect the revised access location and the submission of a site-wide design code and the phased nature of the development.

The application was presented to Committee because an objection had been received from Royal Leamington Spa Town Council and because of the need to vary the associated Section 106 Agreement.

The officer was of the opinion that the variation of the conditions proposed was considered to be an appropriate and pragmatic response to changing circumstances as the more detailed aspects of the proposals began to come forward and was considered to be acceptable.

An addendum circulated at the meeting outlined of alterations to the wording of some of the conditions listed in the report and an update to the recommendation in the report.

Members also agreed that condition 11 should be removed and officers should ensure that the necessary requirements from this condition in respect of the buffer should be incorporated into condition 8, in consultation with the Chair of Planning committee.

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Mrs Bunker and seconded by Councillor Edgington that the application should be granted as per the recommendations in the report and addendum and their discussions on condition 11 being incorporated into condition 8.

The Committee therefore

**Resolved** that W/17/0894 be **granted** in accordance with the recommendations in the report, subject to the completion of a satisfactory Section 106 Agreement. If a satisfactory Section 106 Agreement has not been completed by 4 September 2017, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

Authority is delegated to the Head of Development Services in consultation with the Chair of Planning Committee to:

- i. make any minor changes that become necessary to the wording of the conditions prior to the issue of the decision notice following the signing of the Section 106 Agreement; and
- ii. approve the Design Code for the site following the completion of a number of minor changes which are currently being finalised.

Approved conditions:

## PLANNING COMMITTEE MINUTES (Continued)

- (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 Local Planning Authority shall be required to the under-mentioned matters hereby reserved before any development is commenced:-
- a. layout
  - b. scale
  - c. appearance
  - d. landscaping

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

- (2) application for approval of the reserved matters shall be made to the local planning authority not later than three years from 14 January 2016. **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 14 January 2016 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) no dwellings shall be occupied until the access to the site from Europa Way has been located and laid out in general accordance with drawing number C14171/SK084/P4-Europa Way Junction General Arrangement with existing trees. **Reason:** To ensure that appropriate access is provided to the site in the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (5) if the junction to the north as approved under planning permission ref: W/14/0967 has been implemented the access to the site from Gallows Hill shall be located and laid out in general accordance with drawing C16133 705 P1; or alternatively if the junction to the north has not been implemented that access shall be located and laid out in general accordance with drawing number C1471-614-p1. **Reason:** To

## PLANNING COMMITTEE MINUTES (Continued)

ensure that appropriate access is provided to the site in the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

- (6) the access to the site for occupants'/residents' vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound material for its whole length. **Reason:** To ensure that appropriate access is provided to the site in the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

- (7) the subsequent reserved matters applications for any phase of the development shall be submitted in accordance with a Site Wide Design Code which has been approved in writing by the Local Planning Authority. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (8) no phase of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until the details identified within the approved Arboricultural Impact Assessment and Method Statement submitted on 22 May 2017 have been implemented in full for the protection of all existing trees and hedges to be retained on site in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until that phase of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

Officers in consultation with the Chair of Planning Committee will add wording to this condition to incorporate the necessary requirements from condition 11 (detailed in the Item 4 / Page 19

## PLANNING COMMITTEE MINUTES (Continued)

report that went to Planning Committee 15 August 2017), in respect of the landscape buffer;

- (9) no phase of the development hereby permitted shall, for that phase of the development, commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan shall also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full for the phase of development. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (10) no phase of the development hereby permitted (including vegetation clearance) shall commence until further breeding bird surveys of the site have been carried out and a detailed mitigation plan including a schedule of works and timings for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (11) Condition as set out in the agenda is removed and combined within condition 8 above;
- (12) no phase of the development hereby permitted shall commence until a Construction and Environmental Management Plan (CEMP) in accordance with BS 42020:2013 has been submitted to and approved in writing by the local planning authority for that phase of the development. In discharging this condition the

## **PLANNING COMMITTEE MINUTES (Continued)**

LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring 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 for that phase of the development shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (13) no development shall take place under any relevant phase of the development (other than Sub-phase A – Europa Way Highways Works) until a detailed lighting scheme for that phase which shall use low energy lighting 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.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

**Reason:** To 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  
Item 4 / Page 21



## PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 1996-2011;

(14) no phase of the development hereby permitted shall take place on site until the applicant, or their agents or successors in title, has secured the works as identified within the written scheme of investigation submitted on 11 January 2017 and approved in writing by the Local Planning Authority for each relevant phase. **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;

(15) no phase of the development shall take place unless and until:

a. A site investigation has been designed for the relevant phase using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- i. A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected.
- ii. An appropriate gas risk assessment to be undertaken
- iii. Refinement of the conceptual model
- iv. The development of a method statement detailing the remediation requirements

b. The site investigation for that phase has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.

c. A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the This should be approved in writing by the planning authority prior to the

## PLANNING COMMITTEE MINUTES (Continued)

remediation being carried out on the site. All development of the site shall accord with the approved method statement. If during development of each relevant phase, contamination not previously identified, is found to be present at the site then no further development within that phase shall take place until an addendum to the method statement addressing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the LPA. Prior to the commencement of each relevant phase of the development, a report shall be submitted to the Local Planning Authority that provides verification that the required works, regarding contamination for that part of the site, have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

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

- (16) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites".

**Reason:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF;

- (17) no residential phase of the development hereby permitted shall be commenced unless and until a scheme showing how at least 10% of the predicted energy requirement of the development of that phase will be produced on or near to the site from renewable energy resources, has been submitted to and approved in writing by the Local Planning Authority. The residential phase of development shall not be first occupied until all the works within the approved scheme have

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (18) no phase of the development hereby permitted shall be carried out other than in strict accordance with the details of surface and foul water drainage works and a detailed scheme for the disposal of surface water (incorporating where possible Sustainable Urban Drainage principles) for that phase which shall have been submitted to and approved in writing by the local planning authority. Details to be submitted shall include:

a. a detailed design flood risk assessment for the site to incorporate both fluvial and pluvial flooding mechanisms and any effects on existing water bodies or drainage systems including:- plans showing the existing and proposed drainage systems including levels, sizes, material, fall and construction details and standards in comparison to finished floor levels along with Manhole schedules;

b. Plans defining the water catchment areas for the site including the offsite catchment areas that contribute to the drainage areas. This plan should show areas of impermeable and permeable surfaces of the proposed site including calculations of these areas in a clear labelled table;

c. The applicant is to provide calculations/models of pipe flows, discharge rates from the site and flood storage volume and design water levels reducing the off-site discharge rates to mimic existing greenfield run off rates. This should include calculations for 1 in 1 year, 1 in 30 and 1 in 100 year + 30% climate change allowance;

d. Provide calculations and percolation test results carried out on the site for the infiltration of water (if used), i.e. soakaways, swales, ponds with photos and attached report;

e. To provide plans long and across sections

## PLANNING COMMITTEE MINUTES (Continued)

through the site and a plan showing overload flow paths with arrows for storm events that exceed the capacity of the drainage systems; (vi) To provide details of the proposed maintenance of water systems for the site into the future and a risk assessment for open bodies of water and structures, a plan showing the proposed phased development of the site together with details of discharge consents from the land drainage authority and Severn Trent Water

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies DP3 & DP11 of the Warwick District Local Plan 1996-2011;

- (19) no residential phase of the development hereby permitted shall be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes for that phase of the development, has been submitted to and approved in writing by the Local Planning Authority. No residential phase of the development shall be occupied until the scheme relating to that phase has been implemented to the satisfaction of the Local Planning Authority. **Reason:** In the interests of fire safety;
- (20) no residential phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the Local Planning Authority indicating how and when the 'Secured by Design' standards will be incorporated into that phase of the development. The scheme shall be implemented in accordance with the approved details of that phase and shall be retained at all times thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan; and
- (21) any phase of the development hereby approved shall only proceed in strict accordance with a construction method statement for the relevant phase, which has been submitted to and approved in writing by the local planning authority. The approved
- Item 4 / Page 25

## **PLANNING COMMITTEE MINUTES (Continued)**

statement shall be adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a schedule for the movement of construction plant, associated equipment and deliveries.

**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.

### **64. W/17/0931 – Ribbons, Rowington Green, Rowington**

The Committee considered an application from Mr Taylor for roof alterations to a studio/garage building to replace two flying dormers with a single gable dormer.

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

The officer was of the opinion that the proposals would not increase the floor space upon that existing and the bulk and mass of the proposed dormer would be similar to that of the two existing dormers collectively. It was considered proportionate and therefore appropriate development within the Green Belt, it was suitable in design and would have no adverse impact upon neighbours and therefore the application was recommended for approval.

Following consideration of the report and presentation it was proposed by Councillor Morris and seconded by Councillor Mrs Stevens that the application should be granted.

The Committee therefore

**Resolved** that W/17/0931 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

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

(2) the development hereby permitted shall be

## **PLANNING COMMITTEE MINUTES (Continued)**

carried out strictly in accordance with the details shown on the site location plan and approved drawings 122MT 02 and 122MT 03, and specification contained therein, submitted on 19th May 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) the development hereby permitted shall not commence unless and until two weeks' notice in writing of the start of works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. 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; and
- (4) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **65. W/17/0969 – 116 Brunswick Street, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for a proposed boundary wall with railings and gate to the northern side and a proposed new driveway and access with dropped kerb to the eastern side.

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

The officer was of the opinion that the proposed new access would not create a detrimental effect on the highway and the proposed new wall and railings were of an acceptable design for the area and therefore the application complied with Adopted Local Plan Policies DP1, DP2 and DP6.

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

The Committee therefore

**Resolved** that W/17/0969 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
  - (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings HPS 01, HPS 02, HPS 03, and specification contained therein, submitted on 23/05/2017. **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 shall not commence until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 meters and 'y' distance of 43 meters to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 meters above the level of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- Item 4 / Page 28

## **PLANNING COMMITTEE MINUTES (Continued)**

and

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

### **66. W/17/1031 – Land north east of Tapster Lane, Lapworth**

The Committee considered an application from Mr and Mrs McMullen for the erection of stables, manège and store building with the formation of new access road, parking area and associated works.

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

The officer was of the opinion that the principle of development was considered acceptable having regard to both the policies relating to the provision of rural recreational facilities and to the relevant green belt policies in the NPPF. The proposed development was considered to be appropriate in green belt terms and preserved its openness. There would be no material harm caused to the character of the wider area, the amenity of neighbouring properties or the highway network. Suitable planning conditions could control the use of the proposed and its constructions and therefore, it was considered to represent a sustainable form of development overall. For these reasons, it was recommended that planning permission be granted subject to the conditions and notes listed in the report.

An addendum circulated at the meeting informed that additional information regarding ecological issues and tree surveys had been received. It was proposed to reword condition 5 to ensure that appropriate investigation was undertaken prior to commencement of development to ensure that an appropriate level of ecological enhancement was secured.

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Mrs Bunker and seconded by Councillor Morris that the application should be granted.

The Committee therefore

**Resolved** that W/17/1031 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
  - (2) the development hereby permitted shall be
- Item 4 / Page 29



## PLANNING COMMITTEE MINUTES (Continued)

carried out strictly in accordance with the details shown on approved amended drawings 17-5576-130 Stables Elevations Rev P1, 17-5576-131 Barn Elevations P1, 17-5576-110 Floor Plans P3, 17-5576-120 Sections Rev P3, 17-5576-121 Sections Rev P3, Block Plan P2, Location Plan P2 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Saved Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) the materials to be used externally on the stables, barn and manège hereby permitted shall be constructed of timber or similar.

**Reason:** To ensure the proposal is constructed in a sympathetic manner that respects the rural character of the area in accordance with Saved Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (4) no part of the development hereby permitted shall be commenced or equipment, machinery or materials brought onto the site until a scheme for the earthworks to be undertaken has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include, but is not limited to, details such as:

- Plans showing the extent and location of the earthworks
- Details of how any earthworks will mitigate against and protect any existing trees/hedging
- Details of how any excavated earth will be disposed of

The development shall then be implemented in accordance with the approved details and retained as such thereafter. **Reason:** To ensure the proposal is constructed in a sympathetic manner that respects the rural character of the area in accordance with Saved Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (5) Planning Officers to reword Condition 5 to ensure that appropriate investigation is undertaken prior to the commencement of development to ensure that an appropriate level of ecological enhancement is secured;

## PLANNING COMMITTEE MINUTES (Continued)

- (6) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the tree survey submitted by Cotswold Wildlife Surveys and dated 27<sup>th</sup> July 2017 have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within and adjacent to the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (7) the use of the land, manège and stables hereby permitted shall be limited solely to the private keeping and exercising of horses and shall not be used for any commercial equestrian enterprise or business (including livery). **Reason:** The Local Planning Authority would wish to consider the implications of a commercial or other more intensive use having regard to character of area, residential amenity, traffic generation, highway safety and appropriateness in the green belt in accordance with Saved Policies DP1, DP2, DP6 and DP7 of the Warwick District Local Plan 1996-2011 and Emerging Policy DS19 of the Warwick District Local Plan 2011-2026;
- (8) no floodlighting shall be erected or installed to light the manège hereby permitted without the prior granting of planning permission by the Local Planning Authority. **Reason:** To ensure the proposal respects the rural character of the

## **PLANNING COMMITTEE MINUTES (Continued)**

area in accordance with Saved Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011; and

- (9) there shall be no burning of waste on the site at any time. **Reason:** To protect the amenity of neighbouring properties in accordance with Saved Policy DP2 of the Warwick District Local Plan 1996-2011.

### **67. W/17/1068 – 3 Archers Row, Acre Close, Whitnash**

The Committee considered an application from Linleigh Electrical for the erection of a porta-cabin in the corner of the car park for extra storage and office space for Linleigh Electrical.

The application was presented to Committee because Whitnash Town Council supported it, but it was recommended for refusal.

The officer was of the opinion that the proposed development was considered to be harmful to the appearance and character of the area, by virtue of its temporary nature and poor quality design which was applied for on a permanent basis. The proposed development would also be harmful to the functionality of the area by virtue that it would lead to the garages becoming inaccessible by vehicles and could lead to delivery vehicles being unable to turn around to exit the service area, which could lead to an increase in parking elsewhere and harm to pedestrian safety. For these reasons, the application should be refused.

Following consideration of the report and presentation it was proposed by Councillor Edgington and seconded by Councillor Weed that the application should be refused.

The Committee therefore

**Resolved** that W/17/1068 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) 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. Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

Approving a temporary structure of poor quality and design on a permanent basis could set a precedent for similar development. The porta-cabin is not considered to improve the character of the area, its quality or the way it

## **PLANNING COMMITTEE MINUTES (Continued)**

functions, and would be detrimental to the way in which the service yard is utilised by the occupants of the shop and flats above.

The development is thereby considered to be contrary to the aforementioned policies; and

- (2) Policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, Policy DP8 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety.

The porta-cabin would leave a distance of 4.5 metres between the garages and the nearest elevation of the development, which is an inadequate distance to allow vehicular access to the existing garages; this could lead to an increase in on street parking to Acre Close which is already congested and could lead to an impact on highway safety. Furthermore, the porta-cabin will reduce the turning area for large delivery vehicles, which may have to reverse out of the service yard, which could pose danger to pedestrian safety.

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

### **68. W/17/1161 – The Stables, Lyon Farm, Rouncil Lane, Beausale**

The Committee considered an application from Mr Bates for the conversion of the existing garage, new Velux window, and alterations to the existing windows.

The application was presented to Committee because it was supported by Beausale, Haseley, Honiley and Wroxall Parish Council, but the recommendation was to refuse consent.

The officer was of the opinion that the Agricultural Barn Conversion SPG sought to retain the character of the barns. Their conversion was acceptable as long as non-traditional elements were not added. The property was a barn which had been converted sensitively. The application proposed to install three sets of French doors and create additional openings where none existed before adding urban features which were not associated with barns. The proposed works would result in material harm to the character and appearance of the barn conversion and would be contrary to Policy RAP7 and the adopted Agricultural Buildings Conversion SPG.

## **PLANNING COMMITTEE MINUTES (Continued)**

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

The Committee therefore

**Resolved** that W/17/1161 be **refused**, because Policy RAP7 of the Local Plan and the Agricultural Barn Conversion SPG seek to retain the original character and integrity of barns. Their conversion is acceptable as long as non-traditional elements are not added. The application property is a barn which has been converted sensitively. The application proposes to install double French doors and create additional openings where none existed before adding in alien and incongruous features not associated with barns which would result in material harm to the character and appearance of the barn conversion and would be contrary to the aforementioned policies.

### **69. Planning Appeals Report**

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

**Resolved** that the report be noted.

(The meeting ended at 8.05pm)

CHAIR  
12 September 2017

**Application No:** [W 17 / 0935](#)

**Town/Parish Council:** Bubbenhall

**Case Officer:** Holika Bungre

01926 456541 [Holika.Bungre@warwickdc.gov.uk](mailto:Holika.Bungre@warwickdc.gov.uk)

**Registration Date:** 27/07/17

**Expiry Date:** 21/09/17

**28 Home Close, Bubbenhall, Coventry, CV8 3JD**

Erection of one and a half storey side extension FOR Mrs Kavita Cassidy

-----

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

**RECOMMENDATION**

Planning Committee are recommended to grant the application subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The application seeks permission for a one and a half storey side extension with an amended width of 3.6m, with a dormer feature to the rear. It involves the removal of the conservatory. Various amendments have been made to decrease the floor space and scale of the extension. A tree in the front garden (one of two) is proposed to be removed to make way for the extension. The fence position is already established and is not proposed to change, although a small part of it is proposed to be removed to make way for the extension.

**THE SITE AND ITS LOCATION**

The application site relates to a detached dwelling on a generous corner plot, situated to the north side of Home Close, adjacent to Coopers Walk. The site lies within the Green Belt, however there are no protected trees on the site and the site is not in a Conservation Area. Part of the front porch and the conservatory are not original parts of the dwelling house.

**PLANNING HISTORY**

W/75/1235 - Granted - Erection of 36 detached houses and garages

W/76/0210 and W/77/0956 - Granted - Erection of 32 detached dwellings with garages and construction of roads and drainage (Phase 5).

**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)

#### 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)
- NE3 - Biodiversity (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)

### **SUMMARY OF REPRESENTATIONS**

**Bubbenhall Parish Council:** No objection but raise the following points as raised by neighbours:

- There has been no independent tree assessment.
- The site plan has a misleading reference to a "sapling" which is in fact a mature tree.
- There has been much comment from neighbours that the openness of the corner would be lost by this development, which would go against the original Bryant design.
- There is also some concern that the extension would overreach the building line of Cooper's Walk.
- There is concern about privacy as the front window of the extension looks directly across Home Close into a neighbour's window.
- It is strongly suggested that members of the planning committee visit the site to judge the previous points for themselves.

**WCC Highways:** No objection as the extension will not impact upon the forward visibility splay.

**WCC Ecology:** Recommend bat and bird note and that native species are planted elsewhere on site to mitigate against the vegetation impact of the development.

**Public Response:** 11 objections and 1 neutral comment received:

- Would be a breach of original planning consent circa 1976.

- The fence was unlawfully repositioned and should be moved back.
- Would be a material change of use of the land from 'open space' as designated on the original approval.
- The high fence and the extension will impact highway visibility, harming the highway safety of what is already a dangerous corner, for drivers and pedestrians.
- The proposed positioning of the fence to the path edge and the removal of the tree will harm the open and pleasant aspect of the area, and the Baginton and Bubbenhall Neighbourhood Development Plan September 2017 - 2029 refers to how the maturing of the trees in the past 30-40 years has enhanced the estate.
- Concerns that the size of the trees shown on the site plan are incorrect, and are approximately 8m high and that trees within the site should be retained. Impacts on the building line of the properties in Coopers Walk (Nos.31-35).
- The extension is not in character with the existing streetscape or retain the dominance of the main dwelling. Its scale, height, form and massing will affect the openness of the corner plot.
- The proposal will cause overlooking to the properties opposite, originally avoided by the stagger of the properties in the street. Will specifically include the overlooking of the front ground floor habitable room windows of No.41 and No.51 by way of the proposed side windows at ground floor (and the likely need to remove both trees).
- Original and subsequent proposals would result in over 30% increase in floor space above the original dwelling, which is disproportionate and unacceptable in Green Belt terms.
- The comments received make various references to the Council's adopted residential design guide and the way in which the proposals are considered to depart from that guidance.

## **Assessment**

### The positioning of the existing fence within the site and use of the land within it as residential garden land

The fence in question at the site which encloses the private garden associated with the dwelling is understood to have been in its current position for some 26 years and therefore comprises a longstanding element of the existing site layout.

### Impact on the Green Belt

The NPPF lists exceptions to inappropriate development in the Green Belt which includes the limited extension of buildings which are not disproportionate. Warwick District Local Plan Policy RAP2 indicates that an extension of more than 30% of the gross floor space of the original dwelling is likely to be considered disproportionate in the Green Belt.

The proposed additions equate to an 33% increase in floor space upon the original dwelling which whilst slightly in excess of the 30% guideline, is not considered to be disproportionate in Green Belt terms.



Despite objections, it is considered that the extension respectfully retains the visual dominance of the original host dwelling, does not significantly extend the built impression of the main house, nor significantly changes the scale of the main dwelling. The extension is therefore considered be proportionate in accordance with Policy RAP2. It will preserve the openness of the Green Belt and is appropriate development in the Green Belt.

#### Design and Impact on the Street Scene

The proposed extension is designed in accordance with the Council's Adopted Residential Design Guide, being set down from the height of the main ridge and being set back from the front elevation at first floor, making the extension fully subservient. The extension as amended is now well proportionate in width to the main house, being less than half the width of the main house. Furthermore, the proposed extension is suitable in scale, massing, form and height in relation to both the house and the street scene and isn't considered to materially detract from the openness of this corner plot.

The proposed rear dormer is of a similar design to the main dormers of the property (albeit positively a smaller version of them, retaining subservience to the main dwelling) and is therefore acceptable. The Residential Design Guide gives advice concerning dormers, essentially for them to closely follow that of the main house where they are appropriate.

Matching materials are proposed which is most appropriate.

#### Impact on Neighbour Amenities

There are no adjacent neighbours to the side of the proposed extension and there will be no breach of the 45 degree angle, and therefore the extension will not be directly overbearing or cause a loss of light to any neighbours. The proposals also significantly exceed the Council's minimum separation distances.

#### Trees and Landscaping

There are no protected trees on the site and the site is not in a Conservation Area, and therefore any works to trees do not require consent. The tree affected by the proposal is considered to be of low quality not meriting protection and as such its loss is not considered to make the proposal unacceptable.

#### Highway Safety

WCC Highways raised no objection to the proposed extension, as it will not impact upon the forward visibility splay which is required, and therefore will not cause a harmful impact to highway or pedestrian safety.

## Ecology

Bat and bird notes will be applied as recommended by County Ecology, and native species have been suggested to be replanted given the loss of the tree, however this is not considered reasonable to require by condition.

## Renewables/Fabric First

Given the limited scale of the proposed development it is considered that a requirement to provide 10% renewables/ fabric first approach in accordance with Policy DP13 and the associated SPD would not be appropriate.

## **Summary/Conclusion**

The application proposal for the one and half storey side extension is respectful to the design and proportions of the property, the corner plot and the street scene, preserves the openness of the Green Belt and adequately preserves neighbouring amenity, and is therefore recommended for approval.

## **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 Location Plan submitted on 19th May 2017, 'Bubbenhall-1', 'Bubbenhall-2C' and 'Bubbenhall-2C' (with shading) submitted on 14th July 2017 and 'Bubbenhall-4' submitted on 21st July 2017, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 Within one calendar month of the first occupancy of the extension hereby permitted, the conservatory annotated on approved drawing 'Bubbenhall-1' shall be demolished and all waste materials arising from the demolition works shall be removed from the site. **REASON:** The new extension is only permitted on the basis that the conservatory is removed and therefore constitutes appropriate development in the Green Belt in accordance with Policy RAP3 of the Warwick District Local Plan 1996-2011 and paragraph 89 of the NPPF.

**Planning Committee:** 12 September 2017

**Item Number: 6**

**Application No:** [W 17 / 0998](#)

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

**Registration Date:** 13/06/17

**Expiry Date:** 12/09/17

01926 456527 dan.charles@warwickdc.gov.uk

**Elisabeth The Chef Ltd, St Marys Road, Leamington Spa, CV31 1QE**

Demolition of existing derelict commercial bakery, perimeter fencing and external hard landscaping for the erection of 40 no. residential units (Use Class C3) to include displacing existing vehicular access and widening entrance from St Mary's Road, new associated parking and landscape works. FOR Stonewater

-----

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

**RECOMMENDATION**

That planning permission is granted subject to the signing of a Section 106 Agreement.

Should a satisfactory Section 106 Agreement not have been completed by 2 October 2017, 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 proposal is for the demolition of the existing buildings on the site and the erection of two apartment buildings containing a total of 40 flats.

It is proposed to comprise of 16 x 1 bed and 24 x 2 bedroom flats. Each apartment building is to be 3 storey in height.

Car parking is proposed to be located between the two buildings in the centre of the site with additional parking along the eastern boundary of the site for a total of 51 spaces.

The proposal also incorporates the provision of a lockside garden area together with the opening up of the site to the canal corridor with associated canalside landscaping.

**THE SITE AND ITS LOCATION**

The site currently contains a large, former industrial bakery building with a gross floor space of approximately 2250m<sup>2</sup>. The site has not operated for several years.

The site lies in a prominent corner position on St Marys Road that flanks the western and southern boundary. The site also lies adjacent to the Grand Union Canal that abuts the northern boundary of the site with the canal bridge to the western boundary.

To the east lies a range of commercial buildings together with an existing residential development that is currently under construction. The Royal Leamington Spa Conservation Area boundary runs to the north of the site.

## **PLANNING HISTORY**

None relevant to this proposal.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

### 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)
- DS4 - Spatial Strategy (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)
- 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)
- DS15 - Comprehensive Development of Strategic Sites (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)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE2 - Developing Strategic Housing Sites (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)
- TR3 - Transport Improvements (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)
- CC1 - Planning for Climate Change Adaptation (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)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (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)
- Warwickshire Landscape Guidelines SPG

- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** The Town Council supports a residential redevelopment of this site but wishes to raise an objection on the following grounds:

1. Overdevelopment of the site - this many units in two three storey buildings is inappropriate and would impact on the quality of life of the residents. The blocks themselves are overlarge for the site.
2. Unsympathetic design unrelated to the surrounding canal architecture abutting the Conservation Area.
3. Loss of trees, hedges and other vegetation, and thus important wildlife habitats on the site

The Town Council also notes the amount of parking spaces proposed meets the minimum standard required but would, given the potential number of residents, put extra pressure on surrounding streets should residents have more than the minimum number of cars expected.

**Councillor Quinney:** The plan to bring this long-disused brownfield site back into use for much needed smaller-sized housing is in principle to be welcomed, but there are several aspects of the proposal which are unsatisfactory from a planning perspective and it should be therefore be refused:

- Inadequate number of 5 'affordable' dwellings proposed is not in accordance with established WDC policy of 40% affordable of which 60% at social rents. The scheme should therefore offer 16 'affordable' of which 10 at social rents.
- Even if the 'vacant building credit' is accepted for the calculation of the 'affordable' housing, it is not acceptable for there to be no social housing whatsoever on the site.
- Unsympathetic design on the edge of the Conservation Area and alongside the canal.
- Excessive loss of canalside vegetation
- Possible further impact on amenity of nearest local residents who will be overlooked and overshadowed by the nearest of the two blocks proposed.

**Conservation Advisory Forum:** Delighted that there is a proposed development along the canal, regenerating a run-down site, however the design should ensure this is an asset for the town that will set a precedent for other canal-side developments in the area.

CAF recommend that the layout and orientation of the buildings better relate to the canal, possibly to include shapes and curves that maximize the opportunities presented by this unique site. A landscaping scheme should be required, in which cars do not dominate, and which creates an appropriate canalside public realm. Design features associated with canal-side buildings need to be

researched and better incorporated into the proposed scheme; this might include arches over windows and a stronger parapet roof skyline. CAF also advise that the projecting balconies be omitted, as they are an incongruous feature.

**Inland Waterways:** No objection.

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

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

**WDC Green Space:** Require a contribution towards local open space improvements.

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

**WCC Landscape** Planting along canal bank should be native species. Planting should be more extensive throughout the site.

**WDC Environmental Sustainability:** No objection subject to conditions for contaminated land, noise, low emission strategy and construction management plan.

**Lead Local Flood Authority:** Require additional drainage details to be submitted.

**Public Response:** A total of 11 letters of objection received. Comments made;

Parking is already a problem and the proposal will exacerbate this.

Intrusion to neighbours due to height of proposal.

Loss of amenity value due to loss of canal side planting.

Harm to wildlife due to loss of habitats on canal side.

Lack of affordable unit provision.

Loss of privacy and light to properties across the canal due to height of proposal.

Contaminated land must be dealt with appropriately and conditions discharged accordingly.

Units proposed are too small.

No more flats - bungalows would be more appropriate.

Health and Safety issue if existing fence is removed from the site allowing direct access to canal.

Design is poor.

Dominate skyline of the Conservation Area.

## **ASSESSMENT**

### **Principle of development**

#### **Loss of Commercial Use**

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.

Criterion (c) of Policy SC2 allows for affordable housing schemes to be constructed on employment sites. However, whilst the applicant is a social housing provider, rather than a registered social landlord, the scheme proposed is not 100% affordable housing as defined in the NPPF. 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 Land Review have been taken forward in the Emerging 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 application site is included as a housing allocation under Policy DS11 of the emerging Local Plan.

Significant weight can be attached to the emerging Local Plan at this stage as the final modifications have been agreed and the Plan is now subject to formal adoption on the 20th September. On this basis, 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 proposed dwellings would be provided for a social housing provider, it is concluded that the proposals would comply with criterion (b) of policy SC2 as well as partially complying with Criterion (c).

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



In considering the principle of development, the application has been balanced against all of the policy considerations together with the benefits that the proposals would generate such as the provision of additional social housing together with formal affordable housing on the site. The development would also significantly improve the character and amenity of the area by providing a suitable use for a current, partially derelict and disused site that has been vacant for a significant period of time.

Having carefully balanced all of the relevant policy considerations including the significant weight to be given to the emerging Local Plan, it is that the principle of the development is acceptable.

#### Affordable Housing Provision

The requirement for affordable housing is 40% of the total units proposed which for a scheme of 40 units which would yield a total of 16 affordable units.

The application has been submitted on the basis of national policy set out within Planning Practice Guidance which through the Vacant Building Credit scheme enables the provision of affordable housing to be offset against existing floorspace at the site.

Vacant Building Credit provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer is offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings to be offset against any affordable housing contribution which will be sought.

The building has been vacant for a number of years following the relocation of the existing commercial bakery business to a new premises. Since that time, another occupier has not been found and the building has stood vacant. I am satisfied that in this respect, the building has not been made vacant solely for the purposes of redevelopment and therefore, that the scheme as proposed satisfies the Vacant Building Credit criteria to offset the provision of affordable housing.

On the basis of the above, the application of that policy reduces the affordable housing requirement by 11 units.

Therefore, it is proposed to secure 5 units for affordable units through the use of a Section 106 Agreement.

#### Housing Mix

As the scheme is for the provision of apartments only, the mix of sizes is limited to 1 and 2 bedroom units only. In this location on the periphery of the town centre, the provision of smaller units of accommodation is considered appropriate.

## **Impact on character of surrounding area and the adjacent Royal Leamington Spa Conservation Area**

Warwick District Local Plan Policy DAP8 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation areas.

Warwick District emerging Local Plan Policy HE2 (protection of conservation areas) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

The proposed scheme sees the demolition of the existing buildings on the site which offer very little to the visual amenity of the local area. The disused nature of the buildings is visually harmful and is likely to further detract from the setting the longer the building remains vacant. These buildings have been vacant for a significant period and are already the subject of some vandalism and dilapidation. The lack of an identified future user for this buildings is such that the situation is unlikely to change.

The proposed scheme sees the complete redevelopment of the site consisting of 2 new three storey buildings, one located on the road frontage being 3 storey and the second building sitting adjacent to the canal corridor being part 2 and part 3 storey.

The positioning of the buildings within the site and in particular the relationship to the canal has been very carefully considered and has been designed to ensure an appropriate relationship to the canal and also to the residential properties facing the site from across the canal itself to ensure that their residential amenities are protected.

The design of the buildings has been amended in terms of the layout of fenestration and balcony areas to provide a simplified design more akin to an industrial style building that would commonly be found alongside working canals.

The changes provided include the introduction of the arch over the vertical recesses to introduce a strong (stylised) feature which guides the overall aesthetic to the 'canal-side warehouse' style. This is emphasized by the change in colour to the window framing and pressed metal flashing to contrast with the brick features. This emphasizes a layered approach to the materials and contrast to the brick detailing to further articulate the arched form. The form of the balconies have been amended to metal balconies in lieu of the original 'chunky' timber design which further enhances the industrial and lightweight which complement the amended style of the elevation.

Having considered the revised design, Officers are satisfied that the design rationale of a canalside development has been significantly improved and the overall form and appearance of the proposed buildings reflects more strongly the canalside location upon which they sit. The scale and design of the buildings is also considered to be appropriate within the context of the surrounding built form of different heights and scale.

The opening up of the site to the canal through the removal of a significant close boarded fence will improve the general character of the area and the public realm will be improved through the use of new planting along the boundary.

The Landscape Officer has requested additional planting through the site and this can be secured through an appropriately worded condition.

Overall, the scheme will result in a significant improvement to this prominent corner site that is visible from the surrounding area and adjacent Conservation Area and the revised scheme achieves a high quality form of development that has a positive impact on the character of the local area.

### **Impact on adjacent properties**

There are existing residential properties on the opposite side of the canal together with a range of new properties currently being constructed adjacent to the site.

The properties on the opposite side of the canal are a row of single storey properties set at approximately 45 degrees to the route of the canal. The dwelling form a row of three with ground floor windows to the canalside elevation.

The proposed residential development of the application site is approximately 33 metres from the nearest point of these properties and located across the canal corridor. The proposed new development will introduce taller, three storey structures set back from the canalside that is currently laid to open storage/parking areas of the existing site. As the proposed building is three storey, the Residential Design Guide seeks a separation distance of a minimum of 32 metres and the development achieves the stipulated standard.

Concern has been raised regarding the loss of light to the properties. Officers are satisfied that due to the orientation of the properties being angled away from the new development site together with the separation distance achieved, the proposal would not result in any significant harm to the amenity of these properties to warrant the refusal of planning permission in this case.

The design rationale as set out above has influenced the design of the development insofar as the set back from the edge of the canal has been dictated by the need to achieve appropriate separation from the adjacent properties. The set back also allows for an area of green planting along the canalside elevation of the site which, compared to the existing situation would result in a softer edge when viewed from the adjacent properties.

Whilst the dwellings on the adjacent Union Park development site are not yet complete and occupied, the development is in progress so it is appropriate to make an assessment of the development impact on these properties. In this location, the proposal reduces in height to two storey accommodation only. The elevation facing the adjacent site has windows serving primary living accommodation facing the neighbouring site. In this scenario, the required separation distance is 27 metres between two storey buildings where primary accommodation (other than bedrooms) is proposed at first floor. The

development achieves this 27 metre standard from the nearest point. Officers are therefore satisfied that the development would not have any significant detrimental impact on the amenity of neighbouring properties.

In terms of the future occupiers, the two blocks have been designed to be angled away from one another to prevent any direct window to window facing. Officers are satisfied that the proposal would not result in unacceptable living conditions for future occupiers.

Overall the scheme has been designed to meet the standards of amenity required to prevent significant harm to the amenity of neighbouring properties

### **Amenities of the Occupants of the Proposed Development.**

There is no objection from the Environmental Sustainability team in this regard and it is considered that a satisfactory residential environment can be ensured through the use of appropriately worded conditions.

### **Access and Parking**

The proposal seeks to retain the existing site access from the highway where visibility is greatest along the road. The access is to be improved to the appropriate standard for residential development.

The proposed site layout provides a total of 52 parking spaces which accords with the required parking standards of 1 space per 1 bed property and 1.5 spaces per 2 bed property. The site layout indicates that the parking can be accommodated within the site and retains sufficient space within the site for vehicles to turn to allow entry and exit in a forward gear.

It is noted that the parking meets the required standards as set out within the supplementary planning document. As such, no objection is raised to the parking provision. Local concern around the current parking pressures on the local area has been raised. In coming to a conclusion around the parking situation, Officers are mindful that the site meets the required parking standards and no objection has been received from the County Highways Officer. In this respect, it would be difficult to sustain an objection on parking grounds.

The site also contains sufficient turning space for larger vehicles such as refuse lorries to enter and exit the site in a forward gear without being reliant on the use of any parking spaces to facilitate the manoeuvre.

Overall, subject to the conditions requested by the County Highways Officer, no objection is raised on highway safety grounds.

### **Energy Efficiency / CO2 reduction**

The Sustainable Buildings Supplementary Planning Document requires residential and non-residential developments, including conversions to provide 10% of the predicted energy requirement to be produced on site, or in the locality from renewable energy resources except in cases where it can be demonstrated that it is not feasible to incorporate such measures.

No statement has been submitted in support of this application. However, I am satisfied that energy reduction measures would be feasible for this development and I consider it appropriate to attach a condition requiring these details to be submitted.

## **Other Matters**

### Impact on local services/Section 106 Agreement

The proposed development of 40 additional properties would create significant additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions are still ongoing and will be resolved to the satisfaction of the Local Planning Authority before a decision can be issued.

At the time of writing, the contributions requests received are as follows;

- 5 units of affordable housing.
- A contribution of £60,064 towards the enhancement of failing footpaths and landscaping within the Rushmore Street Park

Other contribution responses awaited include education, health service, police coverage, libraries and sustainable travel packs.

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement and Members will be updated on progress in this respect at your meeting.

### Air Pollution

The Environmental Sustainability Officer has made an assessment of the proposal and raised no objection subject to a condition requiring the submission of a detailed Low Emission Strategy in accordance with the Low Emission Strategy Guidance.

### Drainage

The Lead Local Flood Authority has considered the scheme and require additional information regarding the drainage on the site. This detail can be secured by condition.

In terms of foul sewage, it is indicated that the dwellings are proposed to connect to the mains sewers in the local area. This would be subject to agreement with Severn Trent.

### Contaminated Land

The site is a former commercial bakery and as such the Environmental Sustainability Officer has raised concern regarding the potential for land contamination. In making the assessment, the Officer is satisfied that

## Trees and Hedgerows

The proposal requires the removal of some trees and shrubs within the boundary of the site. Whilst any loss of trees and shrubs is unfortunate, Officers note that the species to be removed do not afford significant amenity value to the site and there is no specific protection afforded to these trees.

The proposed scheme seeks to provide additional replacement planting with more appropriate species and these can be secured through the use of an appropriate planning condition.

The Landscape Officer has also requested that additional planting is provided within the site to ensure an acceptable form of development and to soften the overall scheme.

## Ecology

The County Ecologist has assessed the submitted surveys protected species survey and is satisfied with the content and methodology used. No objection is raised based on the outcome of these surveys and it is recommended that further conditions are imposed to ensure that the protected species are not harmed as a result of the development.

## **Conclusion**

The site is located in a sustainable area for the provision of new residential development and is in accordance with the relevant policy considerations

The proposed development represents an appropriate use for the site that can be accommodated without resulting in undue harm to the amenity of the local area, the impact on the amenity of local residents and the impact on highway safety.

The proposed development seeks to regenerate an existing vacant and partially derelict site and the proposed scheme is considered to enhance views from the adjacent Royal Leamington Spa Conservation Area and the environment along the canal side as viewed from the tow path and canal bridge adjacent to the site.

A Section 106 agreement is proposed to secure the affordable housing and appropriate infrastructure contributions that will be reported to Committee in due course.

Subject to conditions to secure the finer details of the development, Officers are satisfied that the scheme is acceptable.

## **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) B6316(PL) 04\_K submitted on 30 May 2017 together with B6316(PL)005\_F, B6316(PL)006\_F, B6316(PL)008\_B and B6316(PL)009\_B, and specification contained therein, submitted on 28 July 2017. **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 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011. (CA). / To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011. (LB). / To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policy RAP8 of the Warwick District Local Plan 1996-2011. (Barn Conversions).
- 5 The reserved matters to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and 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, and 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.
- 6 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local

planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

- 7 The development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 9 The development hereby permitted shall be undertaken in the presence of a qualified ecologist appointed by the applicant to supervise all destructive works to scrub on site. All features, including compost and log piles, are to be removed carefully by hand. Should any reptiles such as grass snake be found during this operation, then work must cease immediately whilst WCC Ecological Services are consulted for further advice. The qualified ecologist should check for small mammals, reptiles, amphibians and nesting birds. In addition to this the qualified ecologist shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 10 The development hereby permitted shall either:
  - a. Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.



b. Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub.

**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.

- 11 It should be ensured that there is no contamination of the watercourse either during or after development. No works to start until measures have been put in place to ensure that the Pollution Prevention Guidelines produced by the Environment Agency regarding prevention of pollution during working and operation are adhered to. The Environment Agency can provide further details if required. There should be a buffer zone of at least 8 metres between the edge of the watercourse, (i.e. the top of the bank), and the development.

**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.

- 12 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features during construction in accordance with Policy DAP3 of the Warwick District Local Plan 1996-2011..

- 13 The development shall not be occupied until a vehicular access has been provided to the site not less than 5 metres in width. **REASON:** To ensure that safe and convenient access to and egress from the site is provided in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 14 The development shall not be until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distances of 2.4 metres and 'y' distance of 43 metres to the near edge of the public highway carriageway]. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** To ensure that safe and convenient access to and egress from the site is provided in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 15 The development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter. **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.
- 16 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.
- 17 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.

18 No development shall take place until: -

1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:

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

a) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

b) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

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

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

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

19 No development shall take place until an assessment and associated scheme of mitigation for protecting the proposed dwellings from industrial and traffic noise has been submitted to and approved in writing by the local planning authority; all works which form part of the scheme shall be completed in each dwelling before that dwelling is occupied. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter.

**REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan

1996-2011.

- 20 'No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. the anticipated movements of vehicles and a HGV routing plan;
- ix. measures to limit noise and disturbance; and
- x. a construction phasing plan.

Demolition or construction works and site deliveries shall not take place outside 08:00 hours to 17:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

**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.

- 21 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 22 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until details of the siting, height, design and materials of the treatment of all boundaries have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and shall be retained as such thereafter. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with

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

- 23 Notwithstanding the details submitted, no part of the development hereby permitted until an updated landscaping plan to demonstrate additional soft landscaping provision within the site including the parking areas has been submitted to and approved in writing by the local planning authority. The soft landscaping works thereafter 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.
-

**Planning Committee:** 12 September 2017

**Item Number: 7**

**Application No:** [W 17 / 1077](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Lucy Hammond

**Registration Date:** 04/07/17

**Expiry Date:** 29/08/17

01926 456534 lucy.hammond@warwickdc.gov.uk

**The Limes, 21 Guys Cliffe Avenue, Leamington Spa, CV32 6LZ**

Construction of 6 apartments and 1 town house: Variation of condition 2 of previously approved application (ref. W/17/0147) - to allow for an increase in the eaves and ridge height of the building by 500mm. FOR Housestyle Countrywide Ltd

-----

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

**RECOMMENDATION**

That planning permission be granted subject to the conditions and notes listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

Permission is sought to vary condition 2 of previously approved planning application ref. W/17/0147 which in itself was a variation of the original permission granted under ref. W/16/0793. The original decision approved the demolition of the original dwelling and the construction of 6 apartments and 1 town house while the first variation sought a minor amendment to the roof line, adding a chimney feature over the communal stairwell to accommodate a lift shaft.

The variations now sought through this current submission seek to increase the overall height of the building by 500mm, which will involve raising the whole building (i.e. finished floor levels, windows etc) by 500mm. Given the history that precedes this submission, including a first submission that was withdrawn before determination, the table below is intended to provide clarification in relation to what was originally proposed (and subsequently withdrawn due to concerns about the proposed height), what was approved and how that compares to the ridge heights proposed now in this current application:-

	<b>Original Proposal*</b>	<b>Approved Scheme</b>	<b>Current Proposals</b>
Central section (tallest part of building)**	11.9m	9.5m	10m
Left section	11.6m	9.5m	10m
Right section (lowest part of building)	8.45m	8.2m	8.7m

\* The original proposal (W/16/0043) was withdrawn prior to determination because of concerns about the height of the proposed building

\*\* Measurements taken from the front elevation facing Guy's Cliffe Avenue

Other than the proposed height increase of 500mm across the ridge line in its entirety, no other changes are proposed to the approved scheme.

In view of the history on the site and the schemes that have come forward with changes proposed to the heights, additional justification was requested from the applicant to demonstrate the need for the additional 500mm increase. The applicant has provided the following (summarised) information:

Following the purchase of the site and during the technical process in designing the scheme, an on-site inspection of the chambers and pipe runs in the surrounding roads and verges revealed a storm system at approximately 1200mm from the road level and a foul system at approximately 1500mm below the road level, which differed from information previously obtained. The approved scheme necessitated the use of a fully pumped system for both foul and surface water. However Severn Trent Water has advised that fully pumped systems should be a last resort as the higher pump rates will surcharge the system. In considering alternative options, lifting the building up by 500mm would allow the majority of the site to be served by a gravity led system which inherently lowers run-off rates and is more in line with STW's design hierarchy. This is therefore viewed as a preferable solution to a pumped system which provides many more logistical complexities.

## **THE SITE AND ITS LOCATION**

The application site was previously occupied by a two storey dwelling house situated on the corner of Guys Cliffe Avenue and Coniston Road. Further to the approval of planning permission last year to redevelop the site the dwelling has since been demolished and the site is now vacant. The site is not within the designated Conservation Area which runs along the opposite corner of Guys Cliffe Avenue. There are two accesses onto Coniston Road, one which led to garaging. The boundary along Guys Cliffe Avenue comprises of 1.8 metre high close boarded fencing at the back of the footpath and well established beech hedging. The former property was set back from the road and was not largely visible from Guys Cliffe Avenue, but more so from Coniston Road.

The area is predominantly residential in character albeit there is a tennis club along Guys Cliffe Avenue and Trinity School beyond the site.

## **PLANNING HISTORY**

**W/17/0147** - Application for variation of condition 2 of planning permission ref: W/16/0793 (demolition of existing dwelling and construction of 6 apartments and 1 town house with associated parking) to amend roof line and form chimney feature over communal stair to accommodate lift shaft and installation of new ground floor door on rear elevation. – Approved 31.03.2017

**W/16/0793** - Demolition of existing dwelling and construction of 6 apartments and 1 town house with associated parking – Approved 21.07.2016

**W/16/0043** - Demolition of existing dwelling and construction of 6 apartments and 1 town house with associated parking – Withdrawn 14.03.2016

### **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)
- 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)
- DP13 - Renewable Energy Developments (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)
- TR1 - Access and Choice (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)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)

### **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection

**WCC Ecology:** No additional comments to make following those made on W/17/0147 and W/16/0793

**Arboricultural Officer:** No objections



**Public Response:** 14 letters of objection received raising the following concerns:-

- Proposed height of the building will overpower other buildings in the vicinity
- The proposal will lead to further overshadowing
- There will be additional overlooking into neighbouring gardens

Other non-material considerations were raised such as:-

- The original development should not have been approved

The applicants are attempting to revert back to heights proposed within the original submission

## **ASSESSMENT**

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

- impact on character of area
- impact on neighbouring amenity

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

This is an application to vary a condition attached to the previous permission for the redevelopment of the site. Condition 2, which stipulates the approved drawings in accordance with which the development should be constructed, is to be varied to reflect the revised drawings which illustrate the changes now sought. In deciding such an application the Local Planning Authority must only consider the specific amendments being sought, i.e. the proposed increase in the height of the building by a further 500mm. The principle of development cannot be re-considered as this remains acceptable as per the original approved permission.

The previously approved permission is extant and since there is no requirement to re-assess the principle of development it is therefore intended to address the key issues of visual impacts and impact on neighbouring amenity together with any other relevant matters in this report.

### **Impact on character of area**

The table above, under the 'Details of Development' section of this report sets out the height of the building, as originally proposed, but was withdrawn prior to determination, the approved scheme and the scheme as proposed now with the 500mm increase in height. Officers acknowledge the number of objections received from neighbouring residents who have expressed concern at the fact the developers appear to be trying to revert back to something close to that which was originally rejected.

However, the 500mm increase in the ridge height, would result in the building, as currently proposed, being almost 2 metres lower than the original scheme. Overall, having regard to the extent of the approved scheme in terms of scale, mass and bulk, the proposed increase in height would not result in any detriment or additional harm to the overall character and appearance of the development than the approved scheme, nor would there be any harm to the

wider character of the surrounding area. The development is therefore considered to comply with policy DP1 of the Local Plan.

### **Impact on neighbouring amenity**

The overall scale, mass and bulk of the approved scheme was considered acceptable in terms of its impact on the amenity of neighbouring residential properties. While concerns about the increase in height from neighbouring residents are acknowledged, a 500mm increase would not, in officers' opinion, give rise to any harmful additional impacts in terms of overbearing and overshadowing nor would it exacerbate the potential for overlooking to a degree which is materially harmful to the closest neighbouring properties.

In terms of impact on existing residential properties in the surrounding locality, it is not considered that the development, as proposed through this variation would lead to any additional or harmful impacts by reason of overbearing, overshadowing or overlooking and the proposals are therefore considered acceptable in this regard. The development therefore complies with policy DP2 of the Local Plan.

### **Other Matters**

There are no other material changes in policy since the original decision that would lead me to reach a different conclusion on any of the key issues in the report attached to W/17/00147 or the original permission (W/16/0793).

Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice must replicate all previous conditions which are still relevant. The pre-commencement conditions attached to the original permission have not yet been discharged and it is appropriate that those conditions are carried forward accordingly to any forthcoming permission.

It is not considered there are any other new material considerations since the original permission which are relevant to this decision.

### **SUMMARY/CONCLUSION**

The original planning permission was granted under W/16/0793 and subsequently varied through a S.73 application under ref. W/17/0147 which sought a minor revision to the design of the building. The policies and material considerations that are relevant to those decisions are set out in the associated officer reports.

The variation of condition 2 to allow an increase in the ridge height of the building by 500mm would not result in any detriment to the visual amenity of the site and surroundings or the amenity of residential properties surrounding the site. Furthermore, there are no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. It is therefore considered that the development remains in accordance with the relevant provisions of the Development Plan.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of planning permission ref: W/16/0793, i.e. 21 July 2016. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 1 (tree protection measures); 115A and 251E; 450F; 250F and 451E and specification contained therein, submitted on 03/06/2016; 01/07/2016; 09/02/2017; 03/03/2017.  
**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 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 Samples of the 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.

- 6 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles. The Construction Management Plan shall be implemented in strict accordance with the approval of such details. **REASON:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011
- 7 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the 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.
- 8 No part of the development hereby permitted shall be commenced until a scheme for the provision of at least 2 bat boxes, bricks or access tiles to be erected on trees or buildings within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **REASON:** In accordance with the NPPF, ODPM Circular 2005/06 and to meet the objectives of Policy DAP3 in the Warwick District Local Plan

1996-2011.

- 9 The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011.
- 10 The development shall not be occupied until the existing vehicular access to the site has been widened/remodelled so as to provide an access of not less than 5 metres in width, for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **REASON:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011.
- 11 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **REASON:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011.
- 12 The access to the site shall not be constructed/reconstructed/widened 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 interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011.
- 13 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011.
- 14 Gates/barriers/doors erected at the entrance to the site for vehicles shall not be hung so as to open to within 6 metres of the near edge of the public highway carriageway. **REASON:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011.
- 15 Prior to the first occupation of the development hereby permitted the car parking area shown on drawing number 250D shall be laid out and made available and retained as such at all times thereafter. **REASON:**

To ensure that adequate parking facilities are made available for the development, in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011.

- 16 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 potential access features identified in the report entitled 'Preliminary Ecological Appraisal for Bats The Limes, Leamington' produced by Dr. Stefan Bodnar and dated October 2015. All roofing material around these features is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.
- REASON:** To ensure that protected species are not harmed by the development in accordance with Policy DAP3 in the Warwick District Local Plan 1996-2011.
-

**Planning Committee:** 12 September 2017

**Item Number: 8**

**Application No:** [W 17 / 1094](#)

**Town/Parish Council:** Kenilworth

**Case Officer:** Lucy Hammond

01926 456534 [lucy.hammond@warwickdc.gov.uk](mailto:lucy.hammond@warwickdc.gov.uk)

**Registration Date:** 07/06/17

**Expiry Date:** 06/09/17

**135 Warwick Road, (including rear builders yard), Kenilworth, CV8 1HY**

Construction of 9 apartments; 3 dwellings and 3 garages: variation of condition 1 of planning permission W15/0620 to allow changes to the design of the houses and apartments, the bin store location, garages and the parking layout. FOR Trengarren Ltd.

-----

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

**RECOMMENDATION**

That planning permission be granted, subject to the conditions and notes listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

Permission is sought to vary condition 1 of previously approved planning application ref. W/15/0620. This original decision approved the reserved matters pursuant to the original outline permission (W/11/1618) which permitted the construction of 9no. apartments, 3no. dwellings and 3no. garages following the demolition of the existing buildings on the site and condition 1 related to the approved plans associated with that decision.

The variations now sought do not alter the nature of the development, which would still be for the erection of 9no. apartments, 3no. dwellings and 3no. garages. Some minor amendments are sought to the design and elevational treatments of the apartments and dwellings, i.e. position, number and design of windows and rooflights as well as the previous terrace of three properties being split into a pair of semi-detached and a detached dwelling, together with the bin store location and the parking layout.

Further to the recent refusal of similar proposals, which related to the access into the site and the impacts to vehicle and pedestrian safety from the revised access arrangements proposed at that time, this scheme proposes no changes to the access arrangements approved in 2015. The submitted plans with this application accordingly illustrate the proposed changes to the buildings, bin store and parking layouts but illustrate the originally approved access arrangements.

## **THE SITE AND ITS LOCATION**

The application site was previously home to a builders' storage yard, located to the east of Warwick Road. The site is situated to the rear of residential properties in Warwick Road, Clarendon Road, Grafton Close and Clarkes Avenue.

The builders' yard is surrounded by residential properties consisting of primarily two storey dwellings with three storey flats on Grafton Close. There are bungalows to the south-east of the site on Clarke's Avenue.

Within the builders' yard there were vacant buildings that have since been demolished. Site clearance has been undertaken along with some ground works covered by the approved permission.

## **PLANNING HISTORY**

**W/16/1788** - Variation of condition 1 on planning permission W15/0620 to allow changes to the design of the houses and apartments, the access road to the private drive, the bin store location and the parking layout – Refused 26.05.2017 for a single reason related to the impacts of the development on highway safety, and in particular pedestrian safety.

**W/15/0620** - Submission of all reserved matters pursuant to the original outline (W/11/1618) for 9no. apartments, 3no. dwellings and 3no. garages - Approved 16.09.2015

**W/11/1618** - Outline application for the erection of 9no. apartments, 3no. dwellings and 3no. garages - Approved 04.07.2012

## **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)
- DP6 - Access (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)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)



## Guidance Documents

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

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Initial objection withdrawn; no outstanding objections

**WCC Highways:** No objections; no conditions or notes recommended

**Public Response:** 8 letters of objection received raising the following concerns:-

- the development does not enhance the adjacent conservation area
- Block C dwellings will result in a loss of privacy
- Block C dwellings will block light to neighbouring gardens and windows
- concern about potential overlooking

Other non-material considerations were raised such as:-

- Rights of access over the access road
- Rights of access to the rear of individual properties and how this will be impacted during construction
- Some building works have already commenced on site
- References to the contents of deeds and covenants

Other objections were received citing vehicle and pedestrian safety as the primary reason for objecting. These concerns relate to the access arrangements into the site but for the avoidance of doubt, the access does not form part of this application which seeks to retain it as per the details of the originally approved plans. While access, highway and pedestrian safety are planning considerations, they are not material to this particular application because there are no material changes proposed to the access that has already been approved under an earlier permission.

## **ASSESSMENT**

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

- impact on character of area
- impact on neighbouring amenity
- parking
- access and highway safety

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

This is an application to vary a condition attached to the previous permission for the redevelopment of the site. Condition 1, which stipulates the approved drawings in accordance with which the development should be constructed, is to be varied to reflect the revised drawings which illustrate the changes now sought. In deciding such an application the Local Planning Authority must only consider the specific amendments being sought, i.e. the proposed design and

elevation changes to the approved apartments and dwellings, the alternative bin store location and revised parking layout. The principle of development cannot be re-considered as this remains acceptable as per the original approved permission.

The previously approved permission is extant and since there is no requirement to re-assess the principle of development it is therefore intended to address the key issues of visual impacts and impact on neighbouring amenity together with highway safety and parking and any other relevant matters in this report.

### **Impact on character of area**

The most notable change to the approved scheme relates to the three dwellings. These were previously proposed as a row of three terraces whereas now, the proposal is to create a pair of semi-detached properties and a detached unit on the end which has a single storey extension on the side. Each of the units has been re-designed to incorporate a single storey rear extension, thus increasing the amount of useable ground floor living space, whilst retaining as much of the original appearance on the front elevations as the approved scheme. The overall elevational treatment of the front of the dwellings would be the same as before; incorporating a sense of symmetry between the porch canopies, dormer windows and fenestration in general, which overall, is simple in form and detailing. It is not considered the addition of the side extension to Plot 10 or the rear extensions to all three units would result in any material visual harm to the overall development or the wider character of the area.

With regard to the apartment blocks, it is mostly fenestration alterations which are sought through this application. For Block B (Plots 5-9) the main change would be on the rear elevation, where it is proposed to remove all the dormers, replace them with rooflights and add two additional casements on the first floor of the reduced height section. This has the overall effect of simplifying the rear elevation which is considered a benefit. The other elevations would remain broadly the same as approved, with the addition of one new ground floor window on the side elevation, again, improving the symmetry and overall appearance of the building.

Block A (Plots 1-4) contains no proposed changes and would continue to look the same as previously approved.

Overall, it is considered, given the location of the development site and its limited public views, that the proposed design changes would not result in any adverse harm to the overall character and appearance of the development, nor would there be any harm to the wider character of the surrounding area. The overall design and layout of the development is considered acceptable and accordingly it is considered to comply with policy DP1 of the Local Plan.

### **Impact on neighbouring amenity**

The overall positions of the buildings within the site are broadly the same as approved so it is not considered there would be any additional or greater harm to the amenity of neighbouring properties by reason of overbearing or overshadowing than has already been permitted.

In terms of overlooking, the insertion of some new windows has been noted, however, it is not considered these would facilitate any increased levels of overlooking than the permitted scheme, especially since the additional windows in the rear of Block B would be obscured almost entirely by the presence of the boundary wall which stands at a height of over 4m.

In terms of impact on existing residential properties in the surrounding locality, it is not considered that the development, as proposed through this variation would lead to any additional or harmful impacts by reason of overbearing, overshadowing or overlooking and the proposals are therefore considered acceptable in this regard, The development therefore complies with policy DP2 of the Local Plan.

### **Parking**

This has not changed from the previous submission but for the avoidance of doubt, a total of 23 car parking spaces are proposed within the development. Based on the number of bedrooms each unit proposes, the adopted vehicle parking standards require a total of 24 spaces. The 23 proposed do not include the two additional spaces that the double-width car port would provide. Including these would mean there is a total of 25 spaces for the development, which, on balance, is considered to be acceptable. In making this assessment, regard has been had to the fact that the approved scheme, for the same number and type of units, provided only 20 spaces, together with a triple-width car port. The scheme, as revised now proposes two additional spaces and it is not considered there would be any detriment to highway safety through insufficient parking provision.

### **Access and highway safety**

The key difference between this S.73 application and the last one, previously refused by the planning committee in May of this year, relates to the access. Unlike the previous submission which sought changes to the approved access, no changes are now sought to the access into the site, which is left as per the approved 2015 permission. The previous reason for refusal has therefore been addressed since in this submission since the access will remain in accordance with the original permission.

It is noted that vehicle and pedestrian safety still remains a concern among local residents and the majority of the comments received in response to this application relate to the access arrangements. However, officers consider that whilst access and highway safety is a material planning consideration, it is not material to the consideration of this particular application since no changes are proposed to the access, which would be left in accordance with the original permission which is extant. Access is therefore not a matter for consideration under this current S.73 submission, which relates only to the design and external appearance of the approved buildings, together with the layout of the bin store and parking arrangements within the site. With this in mind, the Town Council has withdrawn its initial objection to the application.

## **Other Matters**

There are no other material changes in policy since the original decision that would lead me to reach a different conclusion on any of the key issues in the report attached to W/15/0620.

Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice must replicate all previous conditions which are still relevant. Given the reserved matters nature of the previous submission, there was only one pre-commencement condition attached to the original permission, relating to the submission of material samples, which has not already been discharged and it is therefore appropriate that this condition is carried forward to any forthcoming permission. Other conditions required compliance with submitted details and prohibited the subsequent development of the buildings under permitted development by taking away permitted development rights. It is considered appropriate to carry forward all such conditions to any new permission issued under this revised reference number.

It is not considered there are any other new material considerations since the original permission which are relevant to this decision.

## **SUMMARY/CONCLUSION**

The original planning permission was granted under an outline application reference W/11/1618 and the reserved matters pursuant to this outline were subsequently approved under application reference W/15/0620. The policies and material considerations that are relevant to the reserved matters decision are set out in its associated officer report.

The variation of condition 1 to allow some revisions to the design of some of the proposed buildings, together with revisions to the parking layout and bin store location would not result in any detriment to highway safety, the visual amenity of the site and surroundings or the amenity of residential properties surrounding the site. Furthermore, there are no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. It is therefore considered that the development remains in accordance with the relevant provisions of the Development Plan.

## **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings T373-001 Rev D, T373-002 Rev A and T373-004, and specification contained therein, submitted on 7 June 2017 and T373-003 Rev C and specification contained therein, submitted on 18 August 2017. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 2 The development hereby permitted shall be carried out strictly in accordance with the details of materials as approved on 30 November 2016 in pursuance of condition 2 of W/15/0620. **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.
- 3 The development hereby permitted shall not be occupied unless and until an access for vehicles has been provided to the site in accordance with the details shown on submitted plan number T373-001 Rev C. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not be occupied unless and until space has been provided within the site for the parking and turning of vehicles in accordance with submitted plan number T373-001 Rev C. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted within Blocks A & B shall not be occupied unless and until the bin storage area has been laid out and provided in accordance with submitted drawing T373-001 Rev C. Thereafter the bin store shall remain available for use at all times unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of the amenities of the future occupants of the residential accommodation in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no roof extension or addition shall be erected or constructed to, any of the dwellings hereby approved within Block C as identified on the proposed site plan. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 7 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 window(s) to be formed at first floor level in the north-west & south-east facing elevations of Block C and in the east facing elevation of Block B 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.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or openings, including dormer windows (apart from any shown on the approved drawings) shall be formed to any of the dwellings hereby approved and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details 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.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed at first or second floor level in the south facing elevation of Blocks A & B or at first floor level in the north-west and south-east facing elevations of Block C hereby approved and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details 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:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
-

**Application No:** [W 17 / 1150](#)

**Town/Parish Council:** Kenilworth

**Case Officer:** Lucy Hammond

01926 456534 [lucy.hammond@warwickdc.gov.uk](mailto:lucy.hammond@warwickdc.gov.uk)

**Registration Date:** 20/06/17

**Expiry Date:** 15/08/17

**Tyre World, Farmer Ward Road, Kenilworth, CV8 2DH**

Erection of rear canopy (retrospective application) FOR Tyre World

-----

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

**RECOMMENDATION**

That planning permission be granted subject to the conditions listed at the end of this report

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought retrospectively for the erection of a 3.3 metre high open sided canopy to the rear of an existing workshop. The canopy provides an area in which to valet vehicles which are washed as part of the overall service provided by Tyre World. It is important to acknowledge that the car wash does not, in itself, require planning permission, being used in association with the business operated by Tyre World. Planning permission is therefore only sought, retrospectively, for the physical structure provided by the canopy at the rear of the workshop and is not sought for any other use or operation within the site.

**THE SITE AND ITS LOCATION**

Tyre World is a long established tyre fitting and garage service offering a wide range of vehicle services. It forms part of a wider industrial estate located at the corner junction of Farmer Ward Road in Kenilworth with Whitemoor Lane. Within the site, there is a single workshop building which is surrounded on the north and west sides by areas of hardstanding. To the east side, the boundary of which adjoins residential properties in Wyncote Close, is where the canopy has been erected. It is physically attached to the workshop and provides a roof height of approximately 3.3 metres while its sides are open. To the south side, the workshop is close to the boundary, the other side of which sits another industrial unit.

There are no particular landscape designations or other relevant site constraints.

**PLANNING HISTORY**

**W/91/1107** - Installation of roller shutter doors – Approved 29.10.1991

**W/77/1143** - Erection of additional fitting bay and battery room extension –  
Approved 07.12.1977

### **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)
- 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)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- EC3 - Protecting Employment Land and Buildings (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)
- HS8 - Protecting Community Facilities (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)

### **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Initial objection withdrawn; no outstanding objections



**Environmental Sustainability:** No objections; the canopy is likely to have little impact on any noise arising from the car wash but it may have some benefits in reducing the amount of water mist/spray migrating over the boundary to nearby residential dwellings which is understood to be a concern for local residents. From an environmental health perspective there is no objection to the retention of the canopy as this is unlikely to have an adverse impact on local residents

**Public Response:** 6 letters of objection received raising the following concerns:

- the canopy does nothing to minimise the noise from the car wash
- the canopy is not in keeping with the character of the surrounding housing
- the structure is not in keeping with the character of the main building
- concern about lack of privacy and visual intrusion caused by the canopy

It is noted there are a number of other comments and concerns expressed by neighbours and local residents which relate to the actual car wash and the associated noise and disturbance this gives rise to. The car wash itself is not part of the application for which permission is being sought, nor does it require planning permission in its own right and such concerns are therefore not material to the consideration of this planning application which relates solely to the canopy.

## **ASSESSMENT**

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

- The principle of development
- The impact on the character and appearance of the area
- The impact on the living conditions of nearby dwellings
- Car parking and highway safety
- Noise and disturbance (car wash)
- Renewable energy

### **The Principle of the development**

Saved policy SC2 of the Local Plan seeks to protect employment land and buildings by resisting any redevelopment or change of use proposals. Tyre World is a long-established business that sits alongside a number of other industrial uses and the car wash facility at the site offers a valeting facility as part of the overall service offered by the garage. The canopy at the rear of the workshop is intended to minimise the impact of the car wash on neighbouring properties by reducing the amount of spray that might otherwise cross over the boundary fencing and into private gardens. Since the canopy forms an integral part of the car wash facility associated with the garage and the other services it provides it is considered that this is acceptable in principle having regard to the presumption in favour of supporting and protecting employment land and buildings.

## **The impact on the character and appearance of the area**

The canopy is located to the rear of the workshop building and as such there are limited public views from Farmer Ward Road. Since the site occupies a corner position at the junction of Farmer Ward Road and Whitemoor Road there are some glimpsed views available of the canopy, however, it is open sided and made of a lightweight construction, having a roof made of translucent sheeting on softwood joints and supported on stainless steel posts below. Despite the canopy's unobtrusive position it is considered that its lightweight construction and minimalist appearance is acceptable in visual terms and causes no harm to the general character of the area.

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

The canopy is open sided with a very shallow mono-pitched roof covered in translucent sheeting, measuring 3.3m above ground level. At its nearest, it is approximately 15m away from the rear elevations of the closest properties in Wincote Close. Due to the open and translucent nature of the physical structure it is not considered the canopy gives rise to any material harm to the amenity of neighbouring properties by reason of overbearing or overshadowing impacts and in light of the purpose it serves, it is not considered to result in any loss of privacy to neighbours either. The physical structure of the canopy is therefore considered to be acceptable in this regard.

## **Car parking and highway safety**

The car wash forms part of the overall service offered by Tyre World and as such is not intended to intensify the use of the site. No changes are proposed to the access or parking arrangements within the site and it is not considered the canopy is detrimental to highway safety in any way.

## **Other matters**

### *Noise and disturbance (resulting from the car wash)*

The comments from neighbouring residents about noise and disturbance resulting from the car wash are acknowledged, however, the car wash does not require planning permission in its own right and therefore does not form part of this application, which seeks permission solely for the canopy. While officers acknowledge neighbours' concerns about general noise and disturbance, this is not for consideration as part of this application.

### *Renewable energy*

The scale of the development in this instance does not necessitate the requirement to provide 10% of the predicted energy requirement of the development through energy efficiency in accordance with saved policy DP12 and the associated SPD.

## **SUMMARY/CONCLUSION**

The principle of development is considered acceptable having regard to the saved policy SC2 of the Local Plan which seeks to protect employment land and buildings. Notwithstanding some of the comments received from local residents that relate to noise arising from the car wash, this is not the subject of this planning application, which seeks permission solely for the erection of a canopy at the rear under which the car washing facility operates. It is not considered the canopy gives rise to any harm to the general character of the area or the amenity of neighbouring properties and there is no detriment to highway safety. For these reasons, it is recommended that planning permission be granted.

- 1 The development hereby permitted shall be maintained strictly in accordance with the details shown on the site location plan and approved drawing 01771 02, and specification contained therein, submitted on 20 June 2017 **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.
-

**Planning Committee:** 12<sup>th</sup> September 2017

**Item Number: 10**

**Application No:** [W/17/1163](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Rebecca Compton

**Registration Date:** 24/07/17

**Expiry Date:** 18/09/17

01926 456544 rebecca.compton@warwickdc.gov.uk

**104 Telford Avenue, Lillington, Leamington Spa, CV32 7HG**

Application for the variation of condition 2 (plan numbers) for planning permission W/15/0764 (retrospective) to include raising the ridge height by a further 0.5m, alterations to front and rear dormers, extend the rear extension by a further 0.3m and other minor alterations. FOR Mrs. Jackie Doxey

-----

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

This retrospective application has been submitted to allow for flat roof dormers to the front and rear which were previously approved as pitched, to raise the ridge height by a further 0.5m, extend the previously approved rear extension by a further 0.3m, remove one ground floor side facing window to the eastern elevation and insert two ground floor side facing windows to the proposed rear extension on the eastern elevation and the removal of one previously approved roof lantern to the rear extension. The roof terrace and patio doors at first floor that were originally applied for have since been removed and replaced with a Juliet balcony and inward opening french doors.

**THE SITE AND ITS LOCATION**

The application property is located at the north-western end of Telford Avenue, midway between the junctions with Stirling Avenue and Leicester Lane. The road slopes gently down towards the north, with the application property being at a lower ground level than the adjoining bungalow at 102 Telford Avenue. There are a number of bungalows in the area, including the two properties to the south-east and the three properties on the opposite side of the road.

**PLANNING HISTORY**

W/04/1877 - Erection of rear ground floor and first floor extension - Refused 09/12/04, for the following reasons: Unacceptable adverse impact on the amenity of nearby residents by reason of its increased height, scale and mass,

creating an overbearing dominant impact on the adjacent properties, overdevelopment of the site and an adverse impact on the street scene.

W/14/0954 - Two storey side and rear extension, raising the ridge height, erection of chimney and front porch. Withdrawn 27/08/14, to allow further negotiations with the Local Planning Authority.

W/15/0163 - Erection of two storey side and single storey rear extension, raising of roof and insertion of front and rear dormers to create first floor accommodation and erection of front porch. Refused 02/04/15

W/15/0764 - Proposed first floor extension, ground floor rear extension, single storey side extension and a front porch - Granted 08/07/2015

### **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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

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

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Object to the increase in ridge height and rear roof terrace.

**Public response:** 7 Objections have been received from neighbours in relation to the rear roof terrace and overlooking issues, the fact the works are being applied for retrospectively, the increase in the ridge height and the resulting size and scale of the extended bungalow.

## **Assessment**

### Design

The increase in ridge height as now proposed is considered to be similar in character to the nearby bungalows at number 102 and 100 Telford Avenue which have both had an increase in ridge height. The area is predominantly characterised by two storey dwellings, therefore the increase in ridge height is considered acceptable in terms of the street scene.

The proposed flat roofed dormers are considered to be acceptable as there is a mix of designs in the street scene and the proposed dormers are of an appropriate scale and size to sit comfortably within the roof slope. The single storey rear extension as now proposed is 6 metres in depth, 0.3 metres deeper than the rear extension previously approved, the extension is proposed in render.

The original property was rendered to the front and there are several examples of render in the area, the proposed render is therefore considered an appropriate choice of material for this property.

The additional side facing windows at ground floor are considered acceptable as there are existing side facing windows on the eastern elevation and is not considered to result in overlooking to an extent that would warrant a refusal.

The removal of the rear roof lantern is considered an acceptable change. The proposed design changes are therefore considered acceptable in accordance with Local Plan Policy DP1.

An objection has been received from the Royal Leamington Spa Town Council with concerns regarding the rear roof terrace and the increase in ridge height.

### Impact on neighbouring properties

The proposed rear extension will not breach the 45° line to the neighbouring property at no.102 Telford Avenue. It is considered that the proposed changes do not materially impact upon the amenity of neighbouring properties.

A number of objections have been received with concerns regarding the increased ridge height and a roof terrace above the rear extension that was originally applied for. Since receiving these objections the rear patio doors at first floor have been amended on the drawings to open inwards with a Juliet balcony to restrict any access to the rear roof due to potential loss of privacy and overlooking that would be caused by the roof terrace. As previously stated the increase in ridge height is considered acceptable due to the height of the immediate neighbouring properties and surrounding street scene. The proposal is therefore considered acceptable in accordance with Local Plan Policy DP2.

There is no distance separation issue to the neighbouring property at no.106 Telford Avenue.

There is no distance separation issue to no.70 and no.72 Leicester Lane.

## Summary/Conclusion

The proposed changes are therefore considered of an acceptable design and will not cause a detrimental impact to the amenity of neighbouring properties in accordance with Local Plan Policy DP1 and DP2.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of planning permission ref: W/15/0764, i.e. 08 July 2015. **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 and specification contained therein, submitted on . **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 Noise arising from the air source heat pump hereby 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.
  - 4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
-

**Planning Committee:**

**Item Number: 11**

**Application No:** W 17 / 1245

**Registration Date:** 07/07/17

**Town/Parish Council:** Beausale, Haseley, Honiley & Wroxall  
**Case Officer:** Ed Pigott  
01926 456521 ed.pigott@warwickdc.gov.uk

**Expiry Date:** 01/09/17

**Land South of Briardene, Honiley Road, Beausale, Warwick, CV35 7NX**  
Erection of detached chalet bungalow, garage and associated access. FOR Mrs V Branagh

-----

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

### **RECOMMENDATION**

Planning Committee is recommended to grant planning permission for this development, subject to the conditions listed at the end of this report.

### **DETAILS OF THE DEVELOPMENT**

The proposed development is for a one and a half storey 'chalet' style dwelling with new access, parking area and detached garage. The dwelling would be 7m high (2.5-3.4m to the eaves) by 16.9m wide by 9.2m deep. The dwelling would be orientated to face the road to the east. The garage would sit on the rear of the plot and would be 5.3m tall (2.3m to the eaves) by 6m wide by 6.5m deep. The dwelling would be constructed of a mixture of white render, cedar cladding and tile. The garage would be constructed from render and tile and would have polyvoltaic panels on the roof.

The applicant has shown, within the Design Statement, how the dwelling will be energy efficient.

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

The application site is garden land within the built up boundary of Beausale between two existing properties. The property to the north of the application site is 5.2m tall (2.6m to the eaves). Beausale is a small village characterised by linear development within the green belt. The properties immediately adjacent to the application site are bungalows.

### **PLANNING HISTORY**

No history

### **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)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (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)
- 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)
- 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)
- Guidance Documents
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

## **SUMMARY OF REPRESENTATIONS**

**Parish Council** – Objection due to overdevelopment of site within the greenbelt and level of development within the village.

**WCC Archaeology** – Proposals unlikely to have significant archaeological impact

**WCC Ecology** – No objection subject to note regarding time of year works are undertaken and condition protecting existing trees/hedges

**WCC Highways** – No objection subject to conditions regarding visibility splays and width of access

## **ASSESSMENT**

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

- Principle of development
- Impact on character and appearance of the area
- Impact on neighbouring amenity

- Parking and highway safety

#### Principle of development

Saved Policy RAP1 concerns new housing within rural areas. The proposed development would not comply with this policy as the village is not defined as a Limited Growth Village within the policy where development is seen as acceptable.

Emerging Policy H1 also concerns new housing within rural areas. This policy states that housing would be acceptable within Limited Infill Villages, of which Beausale is one. Emerging Policy H1 is based on the most up to date evidence which the Council has and has identified Beausale as a sustainable location for new housing. The proposed development would comply with this policy.

Therefore, notwithstanding the conflict with Saved Policy RAP1, it is considered that the proposed location is suitable for new housing and therefore would be acceptable in principle in this regard. This is because the proposed complies with the Emerging Local Plan, in this regard, and with the NPPF, and a dwelling in this location would be sustainable and acceptable in principle.

The site is also located within the West Midlands Green Belt so the principle of development is twofold. The NPPF, at paragraph 89 sets out particular forms of development that will not be considered inappropriate development in the Green Belt. One such example relates to limited infilling in villages. This is supported in Emerging Policy H11, which relates to limited village infill housing development in the Green Belt. This policy states that such development will be permitted where the site is located within a Limited Infill Village and the following criteria are satisfied:-

1. the development is for no more than two dwellings,
2. the development comprises the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene, and
3. the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.

In considering the above, it is officers' opinion that all three criteria are satisfied by the proposed development which therefore amounts to an appropriate form of development within the Green Belt.

Overall, the provision of a new single dwelling in this location is considered to be acceptable in principle subject to an assessment being made of the other relevant material planning considerations, which are considered below.

#### Impact on character of surrounding area

The proposed dwelling is a chalet style one and a half storey design which has been sited fronting the road. The existing plot would be large enough to comfortably fit this development and it would continue the linear form of the area and the building line whilst broadly respecting the ridge line. The garage to the rear is of a suitably modest scale and therefore would also be acceptable. It

has also been reduced in size during the lifetime of the application. As a garage is already proposed, however, it would be reasonable to restrict Permitted Development Rights relating to the outbuildings to ensure there is no further development within the green belt on the plot.

The actual design of the proposed property is also considered to be acceptable. It is simple in form with different materials used to provide interest. While the building would be taller than the immediate neighbour, the low eaves height would help to give the appearance of a bungalow style. No landscaping has been proposed but given the nature of the site (a garden) this is not considered necessary. The boundaries are already in place and the new closeboard fence on the northern edge is shown on the plans and therefore would be required if the permission was granted.

The proposals are therefore considered to comply with saved policy DP1 of the Local Plan and emerging policy H1(2) of the New Local Plan.

#### Impact on neighbouring amenity

The proposed dwelling would sit 18m from the existing dwelling to the south. There is extensive hedging existing between this property and the application site and it is considered there will be little impact caused by the proposed on this property. The existing property to the north would sit much closer to the proposed with a distance of 11.2m between the two buildings. The access road to the proposed garage would run between the two properties and a 1.8m close board fence would delineate the sites. This fence would be 4m from the southern elevation of the existing dwelling which contains windows for habitable rooms. It is considered that this distance would allow sufficient sunlight and the wide plot would retain an acceptable sense of openness.

Further to this, there would be no overlooking impact due to the orientation and size of the properties and the proposed fencing. The Council's adopted separation distances do not deal with this specific relationship but a 12m distance is stated for a single storey to two storey relationship. Therefore, with the above in mind, it is considered that this relationship is acceptable.

The proposed development is therefore considered to comply with saved policy DP2 of the Local Plan and Emerging Policy BE3 of the Local Plan.

#### Access and Parking

A new access is proposed off Honiley Road. The Highway Authority has been consulted and has no objection subject to acceptable visibility splays being created prior to occupation and the access being created not less than 5m in width for 7.5m from the edge of the public highway. Further to this, the proposed contains adequate parking and turning space and there will therefore be no unacceptable impact on the public highway.

Accordingly, it is considered there would be no detriment to highway safety and the proposals are considered to comply with Saved Policy DP6 of the Local Plan and emerging Policy TR1 of the New Local Plan.

## Other Matters

### Energy Efficiency / CO2 reduction

The proposed development shows polyvoltaic panels on the garage roof and details various other mechanisms within the design statement to provide an energy efficient home. Therefore, for this type of development proposal, and having regard to the content of the submitted Sustainable Buildings Statement, a condition can be imposed to ensure the details shown are brought forward in order to satisfy Policy DP13 and the associated SPD.

### Trees and Hedgerows

Only one tree is marked as to be removed on the plans. This is a mature apple tree which would be removed to make way for the proposed access. It is considered that a condition can ensure that trees are planted to replace the tree which would be lost. A further condition can ensure that suitable protection measures are set in place prior to the development commencing to protect the other existing trees within the site.

As such, the proposed would be acceptable with regards to trees and hedgerows.

### Ecology

An ecological survey has been submitted as part of the application and this has been assessed by the County Ecologist who has no objection subject to a notes and conditions being placed on any permission ensuring the protection of protected species. A series of notes will ensure the applicant is aware of their duties with regards to this protection. A condition can also ensure the protection of existing trees.

It is therefore considered the development is acceptable in this regard and complies with Saved Policy DP3 of the Local Plan.

### Open Space

Policy SC13 seeks contributions from residential developments to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The proposed development would not make any on-site provision for open space and accordingly, a financial contribution would be required which would be put toward the development objectives of local open spaces or toward the development of nearby destination parks. Therefore, it is considered that the proposal accords with SC13 and is acceptable in this regard.

### Drainage

The application form states that the foul sewage will be disposed of via the mains sewer and surface water through soakaways. There is plenty of space within the site to hold a soakaway. Building Regulations would ensure the suitability of a soakaway in this location.

## **SUMMARY/CONCLUSION**

The principle of development is considered acceptable having regard to both the policies relating to the provision of rural housing and to the relevant Green Belt policy in the NPPF that cites this type of limited infill development as 'appropriate'. Given the advanced stage of the new local plan, compliance with Emerging Policy H1 is considered to be a material consideration of sufficient weight to justify departing from Policy RAP1 in the existing Local Plan.

The proposed dwelling is considered to be in keeping with the area due to its siting and design and is accordingly not considered to cause any visual harm to the character of the surrounding area. There would be no harm caused to the amenity of existing residential properties around the site and there is no detriment considered to be caused to highway safety in term of the proposed access arrangements. It is considered that there would be no material harm resulting from this proposed development, which is considered to represent a sustainable form of development overall. For these reasons it is recommended that planning permission be granted subject to the following conditions and notes.

- 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) 000 01, 000 02 & 000 03 rev A, and specification contained therein, submitted on 06.07.2017 and 07.08.2017. **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 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported

by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 5 The existing tree shown to be removed on the approved plans shall be replaced with healthy tree of such size and species as agreed in writing by the Local Planning Authority. **REASON:** In order to protect and preserve the amount of trees within the site which are of amenity value and to preserve biodiversity in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 6 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.

- 7 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.

- 8 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 65 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a

height of 0.6 metres above the level of the public highway carriageway.  
**REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 9 The development shall not be occupied until access for vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres, as measured from the 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 1996-2011.
  - 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building or enclosure shall be provided within the curtilage of any dwelling(s) hereby permitted. **REASON:** That due to the proposed garage and the fact the site is within the green belt, it is considered important to ensure that no additional development is carried out without express planning permission from the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
-

**Application No:** [W 17 / 1278](#)

**Town/Parish Council:** Stoneleigh

**Case Officer:** Helena Obremski

01926 456531 [Helena.Obremski@warwickdc.gov.uk](mailto:Helena.Obremski@warwickdc.gov.uk)

**Registration Date:** 11/07/17

**Expiry Date:** 05/09/17

**The Orchard, Coventry Road, Stoneleigh, CV8 3BZ**

Proposed erection of a single-storey two bedroom house on the existing plot, with a freestanding single garage, with the erection of a balcony to the eastern elevation and the laying of a permeable gravel circulation and parking spaces and access route into the building. FOR Mr & Mrs Innocent

-----

This application is being presented to Committee as there have been more than 5 letters of support for the application and it is recommended for refusal. Councillor Redford has also requested that the application be called before Planning Committee if Officers are minded to refuse the application.

**RECOMMENDATION**

Planning Committee are recommended to refuse planning permission for the reasons stated in the report.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks planning permission for the erection of a two bedrooomed, two storey detached dwelling. The development proposes to use an existing access to the site and includes the removal of some trees which are annotated on the site plan. The proposal also includes the erection of a single storey detached garage to the south of the site.

In the Planning Statement, the agent claims that the development is of an acceptable design which blends with the neighbouring property which was granted planning permission in 2010. The agent states that the building will be a simple single storey structure. The external walls would have brick plinth base, with timber cladding above, oak effect window frames and half-hipped roof at either end, with rear facing balcony.

The agent has provided a SAP report and also details that the dwelling will have very high thermal insulation levels. A preliminary ecological appraisal, flood risk assessment and arboricultural implication assessment were also provided.

**THE SITE AND ITS LOCATION**

The application site is informally known as "The Orchard", positioned to the east of Coventry Road, with the River Sowe to the rear of the site and located at the entrance to Stoneleigh Village on the approach from Coventry. The application



site is located within the Green Belt and Conservation Area. The site is sloping, with land levels decrease towards the rear of the site nearest the river. The site currently benefits from a well-established hedge to the front of the site forming the boundary treatment, with various trees within the site boundary. The majority of the site is formed of grassland. The Planning Statement informs that the site has been previously used as a garden or allotment plot. The site benefits from an existing access nearest to the south of the site, with a small single storey garage/store building. The applicants have right of access over the driveway which is owned by the neighbouring property to access the site.

## **PLANNING HISTORY**

W/15/1906 - application refused and dismissed at appeal for the widening of the access and erection of a garage.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

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

- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (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)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (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)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Stoneleigh and Ashow Parish Council:** Unable to make comments as one of the Councillors declared an interest.

#### **Stoneleigh and Cubbington Ward Councillor (Councillor Redford):**

Supports application, owing to the position of the site between two dwellings, the development cannot encourage urban sprawl which the Green Belt seeks to protect against. The development of the site due to sensitive design does not affect the openness of the Green Belt and the applicants have worked with the site to minimise impact: there is also an existing vehicle access point. It is not a speculative development as the applicant does not own a home of their own and this house will be for their use. Should this site not be given planning consent, it would become a vulnerable site for illegal gypsy and traveller encampments. Requests that the application is considered by the Planning Committee if Officers are minded to refuse the application.

**Stoneleigh and Cubbington Ward Councillor (Councillor Jack):** Supports application, the development would turn scrub land which is very untended to a well-cared for property which would be in keeping with the surroundings.

**WCC Archaeology:** No objection, subject to condition.

**WCC Highways:** Objection, the proposed access provides inadequate visibility splays which could lead a cause for concern regarding highway safety.

**Health and Community Protection - Environmental Sustainability Section:** No objection, subject to condition.

**Local Lead Flood Authority:** No objection.

**Tree Officer:** No objection, subject to condition.

**Public Responses: 1 Objection:** the land should be retained for recreational purposes; there is a significant amount of wildlife and their habitat needs to be protected; the character of the area should be protected.

**16 letters of Support:** it would have no impact on nearby residential amenity; the design is in keeping with the newly constructed property next to the site; the proposed dwelling has been designed to have little or no impact on the surroundings; the applicants deserve support; the development would be well screened; the proposed dwelling is in keeping with the area; there will be no social impacts; the dwelling would be sustainable; the dwelling could help to calm traffic; the dwelling would provide a more visually enclosed entry to the village; the development represents infilling; the existing site needs improvement; the development would stop travellers from using the site; the development would have no harm on the Green Belt.

## **ASSESSMENT**

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

- Principle of the Development
- The impact on the Character of the Area and Conservation Area
- Archaeological Impact
- The impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Sustainability
- Ecological Impact and Trees
- Open Space
- Waste
- Health and Wellbeing
- Other Matters

### **Principle of the Development**

The relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1 as the site is not located within a Limited Growth Village boundary as identified within the policy. Emerging Local Plan policy H1 supports this and states that new housing will be permitted in Growth Villages and Limited Infill Villages as shown on the proposal maps. Stoneleigh is not identified in the emerging Local Plan as a Growth Village, but is however identified as a Limited Infill Village which is explored in more detail below.

The proposed development would provide a small contribution towards the Council's housing supply. However, as the Council is able to demonstrate a 5 year housing land supply, paragraph 14 of the NPPF would not be engaged.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified

### *Limited infilling*

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belt is harmful by definition. Exceptions to inappropriate development in the Green Belt are listed and includes the limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Policy H11 of the emerging Warwick District Local Plan 2011-2029 allows housing in Limited Infill Villages in the Green Belt. The policy defines limited infilling as acceptable as long as the development comprises of the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene, and as long as the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area. The agent contends that the development represents limited infilling and letters from members of the public also support this view.

Firstly and most importantly, the site does *not* lie within a limited infill boundary as identified on the proposal map. Secondly, the site is not considered to represent a "small gap" between a largely uninterrupted built up frontage - the application site is a large plot, positioned at the end of the village. Stoneleigh has a readable built up frontage throughout most of the village. However, the built form all but stops on the approach to the application site, apart from the recently constructed dwelling to the north of the site. It should also be noted that the recently constructed dwelling is positioned some 24 metres from the application site itself, highlighting the large gap in the existing built form. The application site is also not read as a small gap within the built up frontage as there is an established long hedgerow which runs along the front boundary of the site. The application site forms an important part of the village, as the development becomes sporadic when leaving the village, creating a soft and open impression.

Therefore, the Council considers that the proposed development would not represent limited infilling as it does not lie within a limited infill boundary in accordance with emerging Local Plan policy H11.

### *Very special circumstances*

The agent proposes that the recent granting of the dwelling to the north of the site (W/10/1661) which was granted by Planning Committee contrary to Officer recommendation provides a relevant example where local support was important in gaining permission. It is also noted that the development was granted on the

grounds that it would be an improvement to the redundant petrol station which was in a state of disrepair and provided additional housing. 15 letters from members of the public and a Personal Statement from the applicants have been received in support of the application. The reasons for support from members of the public are as follows: it would have no impact on nearby residential amenity; the design is in keeping with the newly constructed property next to the site; the proposed dwelling has been designed to have little or no impact on the surroundings; the applicants deserve support; the development would be well screened; the proposed dwelling is in keeping with the area; there will be no social impacts; the dwelling would be sustainable; the dwelling could help to calm traffic; the dwelling would provide a more visually enclosed entry to the village; the development represents infilling; the existing site needs improvement; the development would stop travellers from using the site. None of these reasons in isolation would represent very special circumstances which would outweigh the harm caused to the Green Belt as a result of the proposed development.

In the Planning Statement, the agent contends that washing land over in Green Belt can be a blunt instrument and there are often sites within the Green Belt, where the surrounding use has changed or where other circumstances have brought about a possible reconsideration of use, which the agent claims is the case with the application site. The agent also states that as the hedgerow will be retained and house positioned behind it, with the maximum height being 3 metres above this screen, that the visual impact of the development is reduced. It is also noted that the dwelling will sit 1 - 1.2 metres below the level of the footpath owing to the site levels. The Planning Statement also gives details on other recent refusals for new residential properties within the Green Belt and how this proposal would be an improvement on these examples.

The applicants have provided a Personal Statement which details their reasons for the application. They state that the fact that the development is a specific, rather than speculative development should be considered as special circumstances as they intend to build the property to live in themselves. They have also received support from members of the local community. The Statement confirms that the applicant's wife has Multiple Sclerosis and that the house would be required in order to meet their needs. The applicants are prepared to plant new vegetation to replace that which will be lost and have designed the property to minimise the impact on the Green Belt.

Officers are sympathetic to the applicant's personal circumstances, however, it would be possible to obtain accommodation elsewhere within the village which could provide suitable accommodation. Whilst members of the public and local Councillors are of the view that the development would not have any harmful impacts on the openness of the Green Belt, or the surrounding area, Officers do not share this view. The decision by Planning Committee to approve the recently constructed dwelling to the north of the site is acknowledged. However, under application W/10/1661 Planning Committee considered that the development would vastly improve the site, and replace a incongruous and harmful building which had fallen into disrepair. There have been comments from members of the public that the site would be improved as a result of the proposed development,

however, the site is currently well maintained, with various trees and shrubs which are commonly found in rural locations. The hedgerow to the front boundary is reasonably large, but is not considered to be harmful to the street scene or Conservation Area, again being a common feature found within the Green Belt. There is also concern that the site could be occupied by travellers. However, Officers see no reason that this would be the case if properly secured, which is possible. Furthermore, this argument could be applied to every plot of land in this district.

Therefore, it is considered that the proposed development would constitute inappropriate development in the Green Belt and that there are no very special circumstances presented which outweigh this harm. The development is considered to be contrary to the NPPF and adopted Local Plan policy H11.

#### The impact on the Character of the Area and Conservation Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. 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. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 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. The Local Plan calls for development to be constructed using the appropriate materials and seeks 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 Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

Warwick District Local Plan policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary.

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

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

Stoneleigh has a very strong palette of materials and architectural styles. The village is predominantly made up of deep red brick, timber-framing with red brick infill, and with some of the more prominent buildings including the church and alms-houses constructed with deep sandstone. There is also a relatively unifying architectural aesthetic, aside from the alms-houses which are a combination of Tudor and neo- Tudor, the main structures are a simple vernacular style with pitched roofs and gable ends. The new dwelling constructed to the north of the site has a traditional gable roof, with brick walls and some timber cladding.

A modern design within the Conservation Area can be acceptable under some circumstances as a juxtaposition to a traditional context if the design is sensitively considered. However, the proposed design of the dwelling is considered to be at odds with the prevailing character within the street scene and Conservation Area. The timber cladding is considered to be a sharp contrast with the traditional brick properties found within the main part of Stoneleigh Village and the roofline is considered to be too dominant in scale and over complex in terms of the depth, lines and hips. Whilst the new dwelling to the north of the application site has some timber cladding, this is a feature, rather than dominating the whole building as in this case. The neighbouring property also benefits from more traditional features such as pitched roof, gable ends and casement windows which with arched reveals, giving an overall more sensitive and suitable design for the village.

The shape and architecture of the proposed dwelling is at odds with the architectural precedent within the village, creating an incongruous and out of keeping form of development which would be harmful to both the street scene and the Conservation Area. The proposed design is not considered to respond well to the existing context and does not enhance or protect the existing prevailing features found within the Conservation Area. The Conservation Officer has objected to the proposed development and suggested that a more simple design, with brick elevations and gabled tiled roof, which is reduced in scale would be more appropriate and Officers agree with this suggestion. It is understood that the architect is exploring alternative designs, however, no amended plans have been received to date, nor have these been encouraged by Officers due to the principle being unacceptable.

It is considered that there are no public benefits which would outweigh the harm caused to the Conservation Area as a result of the proposed development. Therefore, the proposed development is considered to conflict with the NPPF, adopted Local Plan policies DP1 and DAP8.

#### Archaeological Impact

WCC Archaeology have commented on the application. They note that The proposed development lies within an area of significant archaeological potential, within the probable extent of the medieval settlement at Stoneleigh (Warwickshire Historic Environment Record MWA 9531). There is a potential for the proposed development to disturb archaeological deposits, including structural remains, associated with the medieval and/or post-medieval occupation of this area. WCC Archaeology therefore recommend a condition requiring a scheme of

investigation, a programme of archaeological evaluative work and a Archaeological Mitigation Strategy, which would have been considered reasonable if the scheme had been acceptable.

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

Warwick District Local Plan policy DP2 requires 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.

Owing to the large plot size, it is considered that there would be no material harm to the living conditions of the occupiers of either neighbour which would warrant reason for refusal of the application as there would be no conflict with the Council's adopted 45 degree guidance and there would be no distance separation concerns.

There are windows proposed to the first floor to the side elevations. As there is no first floor proposed to the property, there is no change of overlooking or loss of privacy to the neighbouring residential properties. However, the occupant of the site, if minded to, could retro-fit a first floor within the property without the need for planning permission once constructed. The occupants then may have the opportunity to overlook the neighbours to either side of the site. Therefore, if planning permission were granted, Officers would recommend that the first floor side facing windows are conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres above the floor level to protect neighbouring residential amenity.

The proposed development is therefore considered to comply with the NPPF, adopted Local Plan policy DP2 and the Residential Design Guide.

#### Car Parking and Highway Safety

WCC Highways have objected to the proposed development. They do not consider that the required visibility splays can be achieved from the existing access. Whilst it is acknowledged that there is an existing access to the site, there is a concern shared by Officers that the intensification of the use of the site brought about by the erection of a dwelling could lead to potential highway and pedestrian safety issues which would warrant reason for refusal of the application.

Adequate space for two cars and cycle storage can be accommodated within the site boundaries in accordance with the Council's adopted Vehicle Parking Standards guidance.



The development is considered to be contrary to the NPPF and adopted Local Plan policy DP6.

#### Drainage and Flood Risk

No information has been provided in reference to sustainable drainage within the site boundaries, however, this matter could be secured by condition. It is noted that whilst the application site is near to the River Sowe, none of the proposed development is located within a Flood Zone. The Local Lead Flood Agency was consulted as a matter of precaution and have no objection to the proposed development. They have recommended that the Environment Agency is consulted and Officers await their response.

#### Sustainability

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO<sup>2</sup> production through a fabric first approach would be appropriate. The agent has provided a SAP report which shows that the Council's sustainability requirements could be achieved through fabric first methods towards construction. A condition could be imposed to secure these details.

#### Ecological Impact and Trees

A Preliminary Ecological Appraisal has been provided, however, WCC Ecology are yet to have commented on the application. Planning Committee will be updated prior to the meeting with the response received.

The agent has also submitted a arboricultural implication assessment which has been assessed by the Council's Tree Officer. The Tree Officer has been consulted on the proposal and has no objection to the removal of some of the trees, which are mainly fruit trees. The hedgerow to the front of the site will be retained. The Tree Officer recommends a condition to ensure that the works are carried out in accordance with the recommendations in the report which is considered to be acceptable.

#### Open Space

The Council's Open Space department have been consulted, however, Officers have not received a response from them yet. Councillors will be updated regarding this matter before the committee meeting.

#### Waste

Adequate waste storage can be accommodated within the site boundaries.

#### Health and Wellbeing

There are no health and wellbeing benefits identified.

## Other Matters

Environmental Health Officers have commented on the proposal and note that the application site lies next to a former petrol station where the new dwelling to the north of the site has been constructed. However, conditions relating to remediation of the neighbouring former petrol site appear not to have been fully discharged. No verification report has been submitted to Environmental Health for approval in relation to this matter at this point. The Orchard is within the blue line boundary of the potentially contaminated land which runs along the river from north of the Mill House, around the petrol station and to the south of Sowe View. Environmental Health Officers consider that there is potential for pollution of controlled waters (the River Sowe) and exposure of future residents of this site to ground gases or contact with contaminated soils arising from contamination of this site or pollutants crossing the boundary from the petrol station site. They therefore recommend that conditions are added to protect the health of construction workers, future occupiers and to protect the river. These conditions are considered to be acceptable.

## **CONCLUSION**

Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of one dwelling does not meet any of the exceptions listed under paragraph 89 of the NPPF. The development is considered to be incongruous and harmful to the street scene and Conservation Area by virtue of inappropriate design which would be at odds with the prevailing architectural character of the area. The development is therefore considered to be contrary to adopted Local Plan policy DP1 and DAP8. Furthermore, the development provides inadequate access arrangements which could be harmful to vehicular and pedestrian safety which is contrary to adopted Local Plan policy DP6. Therefore, it is recommended that the proposed development should be refused.

## **REFUSAL REASONS**

- 1 Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of one dwelling does not meet any of the exceptions listed under paragraph 89 of the NPPF. No very special circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness.
- 2 Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy DP1 requires all development to respect surrounding buildings in terms of scale, height, form and massing, and use appropriate materials to ensure that it does not detract from the character of the local area. Furthermore, Policy DAP 8 of the Warwick

District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas.

The shape and architecture of the proposed dwelling is at odds with the architectural precedent within the village, creating an incongruous and out of keeping form of development which would be harmful to both the street scene and the Conservation Area. The timber cladding is considered to be a sharp contrast with the traditional brick properties found within the main part of Stoneleigh Village and the roofline is considered to be too dominant in scale and over complex in terms of the depth, lines and hips.

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

- 3 Policy DP6 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which provides safe, convenient and attractive access routes for pedestrians, cyclists and other motor vehicles. Development must demonstrate that they do not cause harm to highway safety.

The existing access provided inadequate visibility splays. The intensification of the use of the site and access brought about by the erection of a dwelling could lead to potential highway and pedestrian safety issues which would warrant reason for refusal of the application.

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

-----

**Planning Committee:** 12 September 2017

**Item Number: 13**

**Application No:** [W 17 / 1301](#)

**Town/Parish Council:** Kenilworth

**Case Officer:** Lucy Hammond

01926 456534 [lucy.hammond@warwickdc.gov.uk](mailto:lucy.hammond@warwickdc.gov.uk)

**Registration Date:** 14/07/17

**Expiry Date:** 08/09/17

**33 Watling Road, Kenilworth, CV8 2HS**

Erection of two storey dwelling (to be attached to No.33) FOR Mrs Antona  
-----

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

**RECOMMENDATION**

That planning permission is granted subject to the conditions and notes listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the erection of a single dwelling. The design emulates an extension to the host dwelling, No.33 Watling Road, but would provide a separate dwelling over two floors, in what would become an end of terraced unit. The existing pair of semi-detached properties would therefore become a terraced row of three units. Access would be through an existing gate off Taylor Close and two parking spaces are proposed for the new dwelling.

**THE SITE AND ITS LOCATION**

The application property occupies a corner position at the junction of Watling Road and Taylor Close. No.33 is a two storey semi-detached property constructed from brick. It forms the end unit of a linear row of similar semi-detached properties on the northern side of Watling Road. Opposite, on the south side of Watling Road, properties are terraced and are elevated above the level of the carriageway by approximately two metres.

The site for the new dwelling, to the north west side of No.33, has a dual aspect onto both Watling Road (to the front) and also Taylor Close (to the side). The latter is a small cul-de-sac of seven residential properties, all single storey, which, due to the existing topography of the site and surroundings, sit at a lower level than the application site.

The host dwelling is currently bounded to the front by an existing conifer hedge. There is an existing dropped kerb onto Watling Road although the presence of the hedge precludes vehicular access into the site. There is an additional vehicle access and dropped kerb off Taylor Close, to the side of the host dwelling. Across the road from the host dwelling, on the opposite corner of Watling Road and

Taylor Close, No.33 is a similar two storey semi-detached property which has added an extension to the side, following broadly similar dimensions to the proposals here.

There are no particular landscape designations or other relevant site constraints.

## **PLANNING HISTORY**

No relevant planning history

## **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)
- DP12 - Energy Efficiency (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)

### The Emerging Local Plan

- H1 - Directing New Housing (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)
- TR4 - Parking (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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (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)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council** - Objection for the following reasons:-

- inappropriate overdevelopment of the site
- it would be detrimental to the street scene
- it would be unneighbourly
- the road was designed to provide openness to residents
- there would be inadequate parking for the existing and the proposed dwellings

**WCC Highways** - No objection; conditions and notes recommended

**WCC Ecology** - No objection; advisory notes recommended

**Public Response** - 2 letters of objection received raising the following concerns:-

- there is insufficient parking proposed for both existing and proposed dwellings
- proposal will lead to increased traffic and be detrimental to highway safety

Other non-material considerations were raised such as:-

- there will be noise from construction traffic
- access to neighbouring properties will be impaired during construction

## **ASSESSMENT**

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

- Principle of development
- Impact on character and appearance of the area
- Impact on the living conditions of nearby dwellings
- Car parking and highway safety
- Ecological impact

### **The principle of the development**

Saved policy UAP1 of the Warwick District Local Plan 1996-2011 relates to the direction of new housing and states that residential development will be permitted on previously developed land and buildings within the confines of the urban areas. This is applicable to the development site here. Emerging Local Plan policy H1 states that housing development will be permitted in a number of specified circumstances, one of which is where the site is within an Urban Area as identified on the Policies Map. The application site is in such an area and accordingly, the principle of development is considered to be acceptable.

### **The impact on the character and appearance of the area**

The new dwelling has been designed so that it is read within the street scene in the same way as the property on the opposite corner (No.31). To that end it has been designed with a 200mm set down from the main ridge line and a 700mm set back from the front wall of the host dwelling. In design and layout terms this

broadly follows the dimensions and appearance of the extension at No.31. The key difference with this development proposal is that it will provide a separate dwelling in its own right. In terms of vehicle movements and car parking, adequate provisions are required for both the existing and proposed dwellings.

In general character and visual amenity terms, officers consider there is little material difference between the proposal at No.33 and the existing extension at No.31 in terms of the way in which the development would impact on the appearance of the street scene.

Concerns have been raised by neighbours about the potential loss of openness which the development originally sought to encourage. On many residential estates, there is a general sense of openness and/or any areas of public amenity space, particularly at corner plots and subsequent development should not undermine such principles. In this instance, the application site forms part of the garden associated with the host dwelling and does not therefore offer any public amenity value. The existing hedge and fence would be removed to facilitate the construction of the new dwelling, which in itself makes a positive contribution to ensuring the open and spacious feeling at this corner junction within the estate. Details of any new or replacement boundary treatments can be secured by condition to ensure the treatment around the corner and impact on the street scene remains appropriate.

By reason of the addition of built form that echoes the visual appearance of No.31's extension, a similar space would still be retained at the side, thus retaining a good separation between the new side elevation, the boundary of the property and the adjacent footpath along Taylor Close. Officers consider this would be broadly in line with the arrangements at No.31 where there is a gap between the side of the extension and the boundary of the property delineating it from Taylor Close and it is noted that the boundary treatment erected at this property comprises a 1.8m high close boarded fence.

Overall, officers do not consider there would be any resulting visual harm to the general character and amenity of the area. The proposed new dwelling would not be detrimental to the appearance of the street scene, nor would the proposals compromise the sense of openness at this corner position. The development is considered to be acceptable in this regard and therefore in accordance with saved policy DP1 of the Local Plan and policy BE1 of the New Local Plan.

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

The proposed dwelling would be orientated such that the side facing elevation onto Taylor Close would be the 'front' and the elevation addressing Watling Road would be its side. Accordingly it would have a dual aspect with windows at ground floor to the living room on both the front and side elevations. On the first floor the main habitable windows serving bedrooms would face the traditional front and rear as the other properties in Watling Road, at the end of which the new dwelling would be situated. Separation distances are satisfied or exceeded and officers do not consider there would be any resulting harm to the amenity of

the closest neighbouring properties by reason of overbearing, overshadowing or overlooking.

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

No new vehicles accesses are proposed to facilitate this development. There are existing dropped kerb access points off both Watling Road and Taylor Close although this proposal seeks to utilise only the Taylor Close access to provide access and parking provision for both the proposed and the host dwellings. There would be two spaces for the new dwelling in addition to two spaces retained for the host dwelling. While these would be tandem spaces, they are each within the control of the respective household they serve and no objection is raised in this regard.

### **Ecological impact**

The County Ecologist has viewed photographs of the existing dwelling and noted that the roof tiles are interlocking with no gaps or obvious missing tiles. A bat survey was therefore deemed unnecessary and only advisory notes are recommended to be attached to any forthcoming permission.

### **Other Matters**

#### *Open space*

Policy SC13 seeks contributions from residential (and commercial) developments to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The proposed development would not make any on-site provision for open space and accordingly, is being assessed by the Open Space team, who, at the time of writing this report have not yet provided a formal consultation response. It is anticipated that before the committee meeting this will have been received and therefore an update will be reported to Members accordingly.

#### *Renewable energy*

For this type of development proposal it would be appropriate to impose a pre-commencement condition relating to renewable energy/ fabric first approach to satisfy Policy DP13 and the associated SPD.

### **SUMMARY/CONCLUSION**

The principle of development is acceptable insofar as new dwellings in Kenilworth is concerned. The principle of developing this site is acceptable subject to the site specific considerations set out in this report. The development would not give rise to any harm to the general character and visual amenities of the area nor would there be any impacts on the amenity of neighbouring properties. There would be no detriment to highway safety and matters of ecological impacts and renewable energies can be suitably covered by condition and/or advisory notes to be attached to any forthcoming permission. For these reasons it is therefore considered that planning permission should be granted subject to the conditions and notes listed below.



## **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 1494-11, 1494-12, 1494-13 and 1494-14 and specification contained therein, submitted on 14 July 2017. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No part of the development hereby permitted shall commence until details of all proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with those approved details. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 4 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:  
  
(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and  
  
(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.  
  
**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.
- 5 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.

- 6 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.
  - 7 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
-

**Application No:** [W 17 / 1362](#)

**Town/Parish Council:** Burton Green

**Case Officer:** Helena Obremski

01926 456531 [Helena.Obremski@warwickdc.gov.uk](mailto:Helena.Obremski@warwickdc.gov.uk)

**Registration Date:** 25/07/17

**Expiry Date:** 19/09/17

**Hillcroft, Red Lane, Burton Green, Kenilworth, CV8 1PD**

Resubmission of W/17/0674: Development of a new dwelling house and associated external works FOR Mr and Mrs Parry

-----

This application is being presented to Committee as there have been more than 5 letters of support received in reference to the application and it is recommended for refusal.

**RECOMMENDATION**

Planning Committee are recommended to refused planning permission.

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the erection of a three storey detached dwelling. The proposed dwelling shall be accessed from the existing access serving Hillcroft and along a small driveway which runs directly in front of the existing dwelling. The proposed dwelling would have the appearance of a two storey dwelling, with garaging, gym and swimming pool to the ground floor, living accommodation to the first floor and five bedrooms, each with ensuite bathrooms to the second floor.

The architect has chosen a contemporary design, with flat roof, with a partially subterranean ground floor, which the agent claims it gives the impression of a two storey dwelling. The walls will be finished in white render and corton steel features, with aluminium doors and window frames. A modest detached greenhouse is also proposed. The agent claims that the design is of a highly contemporary nature, and with the use of modern materials and finishes, presents a bespoke building with an innovative appearance.

This is a resubmission of previously withdrawn application W/17/0674 for the same proposal. There were a number of concerns shown by Officers regarding the application which this application seeks to overcome.

**THE SITE AND ITS LOCATION**

The application site relates to a piece of land to the west of "Hillcroft", a detached two storey residential dwelling, being currently used as garden land. The piece of land is maintained by the owners of Hillcroft as part of their private residential amenity space, and houses a small chicken coup, along with some

ornamental plants and shrubs. There is an existing access from Red Lane serving Hillcroft and the application site is positioned next to a bend in the road. There are a number of prominent trees at the edge of the site and a hedge which acts as a boundary marker. The application site is located in an elevated position from the main road owing to the land levels of the site. The application site is located within the Green Belt.

## **PLANNING HISTORY**

W/17/0647 - application withdrawn for the development of a new dwelling house and associated external works.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (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)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (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)

- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Burton Green Parish Council:** Objection, the site is located on a dangerous bend and there is short visibility leading to highway safety concerns; the proposed driveway passes too closely to the front door to Hillcroft; the development does not represent limited infilling.

**Tree Officer:** No objection, subject to measures in Arboricultural Report being followed.

**10 Letters of Support:** Looks a good idea, see no issues, this select area needs a prestigious eco-house in keeping with the environment, we need more eco-houses, good design, a well considered plan.

### **ASSESSMENT**

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

- Principle of the Development
- The impact on the Character and Appearance of the Area
- The impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Sustainability
- Ecological Impact and Trees
- Open Space
- Waste
- Health and Wellbeing

#### Principle of the Development

The relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1 as the site is not located within a Limited Growth Village *boundary* as identified within the policy. Emerging Local Plan policy H1 supports this and states that new housing will be permitted in Growth Villages and Limited Infill Villages as shown on the proposal maps.

The agent notes that in the emerging Local Plan which now has significant weight, Burton Green is identified as a limited growth village, and that there is

an allocation site for 90 new dwellings near to the application site and also HS2 will run near to the site. This is acknowledged, however, the application site still remains within the Green Belt within the emerging Local Plan and remains *outside* of the growth village boundary as identified on the proposal maps. The proposal therefore is considered to meet none of exceptions contained within RAP1.

Specifically, H1 goes on to state that housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing. This will be discussed in more detail below.

The proposal is not considered to comply with the requirements of adopted Local Plan policy RAP1 or emerging Local Plan policy H1.

The proposed development would provide a small contribution towards the Council's housing supply. However, as the Council is able to demonstrate a 5 year housing land supply, paragraph 14 of the NPPF would not be engaged.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belt is harmful by definition. Exceptions to inappropriate development in the Green Belt are listed and includes the limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

There have been 10 letters of support regarding the proposed development which state the following reasons for support: looks a good idea, see no issues, this select area needs a prestigious eco-house in keeping with the environment, we need more eco-houses, good design, a well considered plan.

#### *Limited Infilling*

Policy H11 of the emerging Warwick District Local Plan 2011-2029 allows housing in Limited Infill Villages in the Green Belt. The policy defines limited infilling as acceptable as long as the development comprises of the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene, and as long as the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area. The agent contends that the development represents limited infilling.

There has been an objection from the Parish Council who are of the view that the proposal would not represent limited infilling. Officers agree with this view. Firstly and most importantly, the site does *not* lie within a limited infill boundary as identified on the proposal map. Secondly, the site is not considered to represent a "small gap" between a largely uninterrupted built up frontage - development along the whole of Red Lane is not consistent, with some long strips of built up frontages and other open areas. Hillcroft constitutes the end property which forms part of a row of only three dwellings, with open land to either side of the row and to the rear of the site. This is not considered to represent a largely built up frontage and there is no "small gap", only open land to the north and west of the site.

Therefore, Officers consider that the proposed development would not represent limited infilling as it does not lie within a limited infill boundary in accordance with emerging Local Plan policy H11.

### *Brownfield Land*

The agent goes on to contend in the Planning Statement that the proposed development would be located on brownfield land. The agent explains in the Planning Statement that the garden area currently serving Hillcroft and forming the application site, should be considered as brownfield land. The agent supports this claim by presenting a High Court decision in respect of Dartford Borough Council from 2016 - the Inspector determined that the NPPF was clear in stating that private residential gardens within built-up areas are excluded from the definition of previously developed land. However, as the site was located within a rural area, the Inspector concluded that it was not contained within this definition, so therefore the garden area was considered to represent previously developed land. Officers acknowledge this High Court decision, however, there were different circumstances surrounding this decision, in that this formed part of a set of very special circumstances leading to the granting of permission for a mobile home and touring caravan for a gypsy traveller site.

Furthermore, it should also be noted that the Council's emerging Local Plan was found sound and approved by Inspectors in August 2017. Emerging Local Plan policy H1 specifically states that housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and respects surrounding buildings in terms of scale, height, form and massing. Officers conclude that the proposed development does not reinforce or harmonise with the character of the street scene, which is explored in more detail below.

Notwithstanding the above, even if Officers considered that the application site represented brownfield land, the NPPF is clear that the limiting infilling or partial or complete redevelopment of previously developed land is *only acceptable if it would not have a greater impact on the openness of the Green Belt*. The existing site benefits only from a small chicken coup and ornamental planting. When comparing this to the proposed three storey dwelling, it is very clear that the proposed dwelling would have a significant impact on the openness of the Green Belt.

## *Innovative Design*

Paragraph 55 of the NPPF states that new isolated homes in rural areas should be avoided unless there are special circumstances such as exceptional quality or innovative nature of the design. The NPPF specifies that the design should be truly innovative or outstanding; reflect high standards in architecture; significantly enhance the immediate setting; and, be sensitive to the defining characteristics of the local area. The Planning Statement explains that the applicants consider the design of the proposed dwelling to be innovative. The Planning Statement claims that the proposed development is the "creation of a house of distinct and unique design". They claim that there is no local vernacular or design characteristic of the local area which should be reflected in any innovative design. Officers disagree with this view as there is variety within the street scene in terms of the style of dwellings - some are two storey dwellings and others are bungalows. There is also a mixture of materials, with some properties being rendered, and some being constructed from traditional brick. However, the street scene has a very "traditional" feel; the properties sit comfortably against each other in the street scene, with some gable features and some hipped roofs.

The proposed dwelling will be positioned high up from the street level next to a traditional two storey dwelling. Whilst the agent contends that there will be limited views of the dwelling from Red Lane, the proposed dwelling will still be viewed as a three storey flat roof dwelling, which is completely at odds with any of the other dwellings within the street scene. The large, imposing building, with "blocks" which fit together to provide a multi level building does not appear to take into consideration any of the defining characteristics of the area, nor is considered to enhance the area. Other than the design being "innovative and contemporary", the Planning Statement does little to clarify how the design is of exceptional quality or innovative design in accordance with the criteria set out by paragraph 55 of the NPPF. The bulky and contemporary design is considered to sit at odds with a traditional street scene made up of single and two storey dwellings, with either gable or pitched roofs. The flat roof is considered to be incongruous and out of keeping. The modern flat roof design is not considered to be innovative, nor is it considered to reflect high architectural standards.

The agent has provided a Landscape and Visual Impact Assessment (LVIA). It is claimed that the development is not considered to cause harm to the openness of the Green Belt. It is also claimed within the document that as the site is currently used as the garden to Hillcroft, that the site cannot be considered as open countryside, and does not contribute to the open rural character of the wider landscape setting, a point which Officers disagree with. The application site is currently very open - Hillcroft forms the last property in a row of dwellings, and at this point, the built form ends and the area opens up significantly, with no more built form for a considerable distance along this side of Red Lane. To the north and west, the area remains very much open, with a large fields to either side. The LVIA also states that view of the site from public rights of way are limited due to the topography of the land and vegetation. It is accepted that from Red Lane, because of the land levels and the fact that site is set on a higher ground level, the openness of the site cannot be as easily judged. However, it is



important to highlight that the assessment of the impact on the Green Belt should not be taken purely from public vantage points which the LVIA focuses on. Impact on the openness of the Green Belt should be taken as a whole.

The NPPF states that the essential characteristics of Green Belt are openness and permanence. Constructing a dwelling on the site would impact on the openness of the Green Belt. There have been no very special circumstances presented which are considered to outweigh the harm caused to the Green Belt and therefore the development is not acceptable in principle, and is considered to be contrary to the NPPF and emerging Local Plan policy H11.

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

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. 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. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 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. The Local Plan calls for development to be constructed using the appropriate materials and seeks 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. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

As previously mentioned above, the proposed design of the dwelling is not considered to respect the character of the area. The proposed development would be a large and incongruous feature, set amongst traditional dwellings, providing an alien feature within the street scene. The flat roof and bulky nature of the design is inappropriate and harmful to the street scene. Render is visible within the wider area, however, by rendering the whole structure, this makes the dwelling more imposing and the cantilevered steel elements make certain parts of the development appear even more incongruous within the street scene. The dwelling does attempt to appear as a two storey dwelling from the front elevation, however, the extended first floor "block" at the front adds unnecessary height, giving the impression of a three storey dwelling, which is incongruous.

The Planning Statement claims that the design is distinct and unique. This reinforces the fact that little consideration has been given to the existing traditional street scene. Officers recognise that a contemporary design may have been acceptable in this location owing to the mix of materials in the street scene and some variation in house types. However, little consideration appears to have been paid to any of the existing properties within the street scene.

The proposed design is considered to be harmful to the street scene by virtue of its incongruous and alien nature within the street scene. The use of inappropriate materials such as steel and its large imposing nature are considered to represent poor quality design which does not enhance the street scene. The development is therefore considered to be contrary to the NPPF, adopted Local Plan policy DP1 and the Residential Design Guide.

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

Warwick District Local Plan policy DP2 requires 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.

Hillcroft is the closest residential property to the application site. There would be no conflict with the Council's adopted 45 degree guidance and there are no distance separation issues associated with the proposed dwelling. However, to access the proposed dwelling, the occupants would be required to drive directly in front of Hillcroft and in front of windows which serve habitable rooms, which is a concern also raised by the Parish Council. This access arrangement would result in undue noise and disturbance to the occupiers of Hillcroft which emanate from the unfettered movements of vehicles using the access. It is considered that the proposal would be unneighbourly as it would disrupt the enjoyment of the quiet private amenity space associated with Hillcroft where it is not unreasonable to expect such enjoyment.

Silver Birches is positioned directly opposite to the application site. There is a front facing first floor balcony proposed to the new dwelling. It is noted that the application site is also set on a higher ground level than this nearby neighbour, which could lead to the perception of overlooking. However, Silver Birches is over 44 metres away from the application property at the closest point and the proposed dwelling would be set back well from the front of the site, meaning that there would be limited opportunities for overlooking. Also, there would be established vegetation screening any views on both the application site and neighbour's site. Therefore, it is unlikely that there would be any increased overlooking or loss of privacy which would warrant reason for refusal of the application. Furthermore, it is also noted that Silver Birches has supported the application.

As the proposed dwelling would be accessed from a driveway which would pass directly in front of windows serving habitable rooms to Hillcroft, this is considered to be unneighbourly as it would disrupt the enjoyment of the quiet private amenity space associated with Hillcroft where it is not unreasonable to expect such enjoyment. Whilst the current owners of Hillcroft (who have made this

application) may be satisfied with this arrangement, the Council has a duty to protect the living conditions for any future occupiers of the property who may not find this reasonable. For this reason, the proposed development is considered to conflict with the NPPF and adopted Local Plan policy DP2.

#### Car Parking and Highway Safety

Officers have not yet received formal comments from WCC Highways. Comments will be updated prior to the Planning Committee meeting to inform Councillors of Highway Officer comments. It is noted that in relation to the previous submission, Highways Officers had concerns regarding the visibility splays for the proposed access and size of the access. The width of the access has been increased as part of this application.

The parking requirement for a five bedroomed property would be two spaces. This can be accommodated within the site boundary to an area of hardstanding next to the property or within the proposed garage. Furthermore, there would be ample space for cycle storage within the proposed garage to meet the Council's requirements.

#### Drainage and Flood Risk

No information has been provided in reference to sustainable drainage within the site boundaries, however, this matter could be secured by condition.

#### Sustainability

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO<sup>2</sup> production through a fabric first approach would be appropriate. No information has been provided in reference to this matter, however, these details could be secured by condition.

#### Ecological Impact and Trees

Under the previous submission, WCC Ecology requested that a Preliminary Ecological Appraisal was carried out. This has been completed and submitted as part of the application. WCC Ecology have assessed the information provided and note that none of the trees to be affected contained evidence of bats. They agree with the recommendations contained within the report and advise that a condition should be added to any approval granted to ensure that they are followed.

There are a number of trees which are within the site boundary which have amenity value within the street scene. Under the previous application, the Council's Tree Officer requested a detailed arboricultural report, which has now been provided. The Tree Officer has been consulted and has confirmed that subject to the proposed development being carried out in accordance with the recommendations in the report in a timely fashion, they have no objection to the proposal. These details could be secured by condition.

## Open Space

The Council's Open Space department have been consulted, however, Officers have not received a response from them yet. Councillors will be updated regarding this matter before the committee meeting.

## Waste

Adequate waste storage can be accommodated within the site boundaries.

## Health and Wellbeing

There are no health and wellbeing benefits identified.

## **CONCLUSION**

Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of one dwelling does not meet any of the exceptions listed under paragraph 89 of the NPPF. The development is considered to be incongruous and harmful to the street scene by providing an alien form of development at odds with the traditional dwellings found within the established street scene which is contrary to the NPPF and adopted Local Plan policy DP1. The development would also be harmful to the living conditions of the occupiers of Hillcroft which is contrary to the NPPF and adopted Local Plan policy DP2. Therefore, it is recommended that the proposed development should be refused.

## **REFUSAL REASONS**

- 1 Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of one dwelling does not meet any of the exceptions listed under paragraph 89 of the NPPF. No very special circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness.
- 2 Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy DP1 requires all development to respect surrounding buildings in terms of scale, height, form and massing, and use appropriate materials to ensure that it does not detract from the character of the local area.

The proposed dwelling is not considered to respect the existing dwellings within the street scene in terms of form and massing. The proposed design is considered to be harmful to the street scene by virtue of its incongruous and alien features such as flat roof and use of

inappropriate materials such as steel. The large imposing nature of the proposed dwelling is considered to represent poor quality design which does not enhance the street scene.

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

- 3 Policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposed access arrangement would result in undue noise and disturbance to the occupiers of Hillcroft which emanate from the unfettered movements of vehicles using the access. Due to the close proximity of the access running alongside windows serving habitable rooms to Hillcroft, it is considered that the proposal would be unneighbourly as it would disrupt the enjoyment of the quiet private amenity space associated with Hillcroft where it is not unreasonable to expect such enjoyment.

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

---

**Planning Committee:** 12 September 2017

**Item Number: 15**

**Application No:** W 17 / 1411

**Town/Parish Council:** Stoneleigh

**Case Officer:** Rob Young

01926 456535 rob.young@warwickdc.gov.uk

**Registration Date:** 01/08/17

**Expiry Date:** 31/10/17

**Land to the North and South of the A45 (between Festival and Tollbar Junctions) and land at the A45/Festival Roundabout, and A46/Tollbar Roundabout and at junctions of A444 with the A4114/Whitley Roundabout, Coventry, CV3 4PB**

Application for the variation of conditions 11, 20-26, 28, 39, 40 and 61 of planning permission ref: W16/0239 to clarify the work that can proceed on site prior to the approval of certain design details (specifically allowing site preparation and earthworks to be commenced as soon as possible). Planning permission ref: W16/0239 was for a comprehensive development comprising offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation and small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5). FOR Coventry City Council & Jaguar Land Rover

-----

This application is being reported to Planning Committee because it is recommended that planning permission be granted subject to the completion of a legal agreement.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to conditions and subject to the completion of a satisfactory section 106 agreement. Should a satisfactory Section 106 Agreement not have been completed by 31 October 2017, Planning Committee is 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 variation of conditions 11, 20-26, 28, 39, 40 and 61 of planning permission ref: W16/0239 to clarify the work that can proceed on site prior to the approval of certain design details. Specifically this would allow for site preparation and earthworks to be commenced as soon as possible.

## **THE SITE AND ITS LOCATION**

The application relates to a substantial site that adjoins the southern edge of Coventry, covering an area of 105 hectares. The site includes land between Coventry Airport and the A45, land within the approved Whitley Business Park to the north of the A45 and land within and adjacent to various highways including the A45, A46, A444, A4114 and Leaf Lane. The site straddles the boundary between Warwick District and Coventry.

## **PLANNING HISTORY**

In April 2016 Planning Committee resolved to grant planning permission subject to the completion of a section 106 agreement for the following development: "Comprehensive development comprising demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping (outline application discharging access with all other matters reserved)" (Ref. W16/0239). The section 106 agreement was completed and the planning permission was issued in July 2017.

Prior to that the application site had formed part of the proposed Coventry and Warwickshire Gateway development, for which planning permission was refused by the Secretary of State in 2015 (Ref. W12/1143).

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)

- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- SC15 - Public Art (Warwick District Local Plan 1996 - 2011)
- RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)
- RAP10 - Safeguarding Rural Roads (Warwick District Local Plan 1996 - 2011)
- RAP11 - Rural Shops and Services (Warwick District Local Plan 1996 - 2011)
- RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)
- RAP16 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (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)
- The Emerging Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS4 - Spatial Strategy (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)
- DS8 - Employment Land (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS9 - Employment Sites to be Allocated (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS16 - Sub-Regional Employment Site (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC2 - Directing Retail Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC17 - Local Shopping Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CT2 - Directing New or Extended Visitor Accommodation (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 - Amenities (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)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR6 - Safe Operation of Aerodromes (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)
- HS1 - Protecting Open Space, Sport and Recreation Facilities (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)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (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)
- NE1 - Green Infrastructure (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)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (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)
- NP1 - Neighbourhood Plans (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NP2 - Community-led Planning (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
- Open Space (Supplementary Planning Document - June 2009)

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG

## **SUMMARY OF REPRESENTATIONS**

**Parish Council:** Comments awaited.

**Public Response:** One objection has been received, raising concerns about increased traffic through Baginton village during construction and after completion.

**Highways England:** Object. Request further information to address concerns about construction impacts.

**Environment Agency:** Object as the applicant has failed to provide detailed justification or any supporting plans to demonstrate that the proposed preparation and earthworks activities will not have a significant effect on flood risk.

**WCC Ecology:** Advise that the Construction and Environmental Management Plan should be approved prior to any works commencing, including site preparation and earthworks.

**WCC Highways:** Comments awaited.

## **ASSESSMENT**

The main issue relevant to the consideration of this application is whether the amended conditions would retain adequate control over the development.

The proposed amendments are intended to allow the developer to get on site at the earliest opportunity to undertake the site preparation works, including the proposed earthworks. This is necessary in order to ensure the delivery of the first buildings in accordance with Jaguar Land Rover's required timescales. The amendments are relatively minor in nature.

Highways England and the Environment Agency have requested further information to demonstrate that the proposed changes will not have an adverse impact on the strategic highway network or on drainage and flood risk. The applicant has submitted further information in response and further comments are awaited from Highways England and the Environment Agency in relation to this. It is anticipated that the further information will address the issues raised and an update on these matters will be included in the addendum report to Committee. Comments are also awaited from WCC Highways and these will also be included in the addendum report.

The proposed amendments also affect conditions relating to construction management and lighting. However, the amendments will ensure that the conditions retain adequate control over these aspects of the development.

With regard to the comments of the County Ecologist, these matters are dealt with in the section 106 agreement, which is to remain unchanged.

## **SUMMARY/CONCLUSION**

Subject to confirmation that there is no objection from Highways England, the Environment Agency or WCC Highways, it has been concluded that the amended conditions will retain adequate control over the development. Therefore it is recommended that planning permission is granted for the variation of these conditions.

## **CONDITIONS**

### Reserved matters, phasing and time limits

1. Details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development (other than demolition or ground works) is commenced:-
  - i) the layout of the phase and its relationship with existing adjoining development;
  - ii) the scale of the buildings;
  - iii) the appearance of the buildings; and
  - iv) the landscaping of the site.

REASON: To comply with Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2. Application for approval of the matters referred to in Condition 1 above must be made within 5 years of the date of this permission.

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

3. The development to which this permission relates shall begin within 5 years of the date of permission or within 2 years of the final approval of the reserved matters, whichever is the later.

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

4. Prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:
  - i) a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Countryside Park and arrangements in respect of the phasing of all transportation infrastructure;
  - ii) temporary access arrangements for vehicles and pedestrians in respect of each phase;

- iii) car parking arrangements in respect of each phase;
- iv) any interim surface, boundary treatment, external lighting or landscaping measures;
- v) a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air quality assessments and details of further mitigation measures, if necessary); and
- vi) a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved.

REASON: To ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies DP1, DP7 and DP8 of the Warwick District Local Plan 1996-2011.

5. In respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floorspace shall be within the minimum and maximum limits set down in approved pHp Architects Parameters Plan drawing no. 3924-1 003 Rev P8.

REASON: To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies DP1 and DP7 of the Warwick District Local Plan 1996-2011.

6. Prior to the submission of any Reserved Matters in respect of the development hereby permitted a Master Plan and Design Code shall be submitted to and approved in writing by the local planning authority. These shall:

- i) Accord with the approved pHp Architects Parameters Plan drawing no. 3924-1 003 Rev P8 and the principles set down in the Design & Access Statement forming part of the approved application documentation;
- ii) Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
- iii) Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
- iv) Identify locations for public art features;
- v) Show the location of each pond;
- vi) Include design principles in respect of layout, scale, appearance and landscaping aimed at minimising its visual impact on the Lunt Roman Fort;
- vii) Contain details on how permeability will be achieved in respect of the network of estate roads within the technology campus;
- viii) Detail principles on how legibility will be achieved within the technology campus including design principles in respect of the new A45 bridge and

land to the immediate south of it comprising the gateway into the development.

- ix) Include landscape design principles for the technology campus aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Countryside Park and neighbouring land.
- x) Contain principles in respect of disabled access throughout the development and to/from buildings.
- xi) Detail principles on how crime prevention matters will be addressed in respect of the development.

Any subsequent Reserved Matters applications shall accord with the approved Master Plan and Design Code.

REASON: In the interests of urban design in accordance with Policies DP1, DP14, DP15 and SC15 of the Warwick District Local Plan 1996-2011.

- 7. The reserved matters to be submitted in accordance with Condition 1 for each phase shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels in that phase and the relationship with adjacent land and buildings and such details shall accord with approved pHp Architects Parameters Plan drawing no. 3924-1 003 Rev P8 forming part of the approved application documentation.

REASON: In the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 8. The reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase, such details to include information on the recycled/reclaimed content of such materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the local planning authority.

REASON: In the interests of urban design in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

#### Use restrictions

- 9. The gross floorspace of any unit the primary use of which falls within Class B1(a) of the Town & Country Planning (Use Classes) Order 1987 as amended erected under this permission shall not exceed 4999 square metres.

REASON: To ensure that the development does not prejudice the provision of large scale office accommodation in town centres in accordance with Policy UAP2 of the Warwick District Local Plan.

- 10. No building approved under this permission used primarily for purposes falling within Class A1 of the Town & Country Planning (Use Classes) Order

1987 as amended (or in any Order revoking and re-enacting that Order) shall exceed 250 square metres gross internal floor area.

REASON: To safeguard the shopping strategies of the local planning authorities and to accord with Government Guidance in the NPPF which seeks to direct large scale retailing to Town Centre locations.

11. No car showroom floorspace or floorspace falling within Classes A1, A3, A4, A5 or C1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be occupied unless and until at least 8,500 square metres (GFA) of floorspace falling within Use Class B1 of the said Order has been occupied within the technology campus.

REASON:

To ensure that the car showroom and other floorspace falling within Use Classes A1, A3, A4, A5 and C1 is only provided when it is needed to serve the employment uses which primarily comprise the development approved under this permission in accordance with Policy UAP3 of the Warwick District Local Plan 1996-2011.

12. No more than 10% of the total B1 floorspace shall be occupied for purposes falling within Class B1a of the Town & Country Planning (Use Classes) Order 1987 as amended.

REASON: To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety and to ensure that the development is primarily a technology campus in accordance with the identified need.

13. The first 8,500 square metres (GFA) of floorspace within the development shall be occupied by Jaguar Land Rover. No other buildings shall be occupied within the development until Jaguar Land Rover have fully occupied 8,500 square metres of B1 floorspace within the technology campus.

REASON: Since the particular requirements of Jaguar Land Rover form part of the very special circumstances for permitting this inappropriate development within the Green Belt, in accordance with the NPPF.

#### Landscaping and tree protection

14. Any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within 6 months of the substantial completion of development in that phase. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs 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 visual amenity in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

15. No demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment.

REASON: To safeguard those trees to be retained in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

16. The existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing by the local planning authority. All tree(s), hedge(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 Policy DP3 of the Warwick District Local Plan 1996-2011.

17. The construction of buildings and mounds within the technology campus shall be phased in strict accordance with the construction phasing plan (drawing no. 3924-1/004 P4).

REASON: To ensure that the mounds provide screening for the development at the earliest opportunity, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

18. Prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, will be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

REASON: To ensure the sustainable management of the site's soil resource and to ensure that earthworks will provide the best opportunities for

successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

### Highways

19. The development hereby permitted shall not exceed 70,683 square metres (GFA). Such development shall not exceed the following thresholds in respect of the specified uses as defined in the Town & Country Planning (Use Classes) Order 1987 as amended:

- 56,766 square metres (GFA) of B1 floorspace;
- 4,645 square metres (GFA) of car showroom floorspace;
- 11,617 square metres (GFA) of hotel floorspace; and
- 2,300 square metres (GFA) of A1, A3, A4 and A5 floorspace.

REASON: To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

20. No development shall take place other than site preparation and earthworks until a scheme of traffic impact mitigation at the A46/A45/A444 Stivichall interchange, which shall comprise at least the following works, has been submitted to and approved in writing by the local planning authority:

- Signalisation of the on slip approach from the A444 to A45;
- Signalisation of the off slip west bound from the A45 and removal of segregated left turn lane;
- Realignment of traffic lanes on the circulatory carriageway;
- Realignment of kerbs on the approaches/circulatory carriageway.

The mitigation scheme shall be informed by an assessment of the traffic impacts at this junction and its associated interaction with the A46A45(T) with the scope of this assessment to have been first agreed in writing by the local planning authority. The mitigation scheme approved under this condition shall be implemented in strict accordance with the approved details.

REASON: To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

21. No development shall take place other than site preparation and earthworks until the following details have first been submitted to and approved in writing by the local planning authority:

(a) Full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 15-0752-100 Rev 1 will align with Highways England's A45 Tollbar End Improvement scheme;



- (b) Full details of the proposed alterations to the A46 / Stoneleigh Road / Dalehouse Lane junction generally as illustrated on drawing number 15-0752-110;
- (c) Full details, of the proposed new A45 Grade Separated Junction as generally illustrated on General Arrangement Drawing Number 15-0752-100 Rev 1; and
- (d) Full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange.

The details to be submitted under this condition shall include:

- How the development scheme interfaces with the A45 / A46 trunk roads highway alignment, including full details as indicated within the design check list contained within HD19/15 of the Design Manual for Roads and Bridges (DMRB).
- Confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated British Standards and Eurocodes and Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the Highways Authority for the Strategic Road Network.
- Independent Stages One and Two Road Safety Audits carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. A Stage three RSA will be required prior to opening.
- Design stage Non-Motorised User Audit carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim Advice Notes (IANs).

Thereafter the development shall be undertaken in full accordance with these approved details.

REASON: To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

22. Prior to the commencement of development, other than site preparation and earthworks, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

REASON: To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

23. Prior to the commencement of drainage works, details of the drainage strategy for the development site and highway works affecting the Strategic Road Network shall be submitted to and approved by the local planning authority. The drainage strategy shall ensure there is no connection (direct or indirect) to the trunk road drainage system. The drainage strategy shall thereafter be implemented in strict accordance with the approved details.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

24. No development shall commence other than site preparation and earthworks until full details of the site access provisions, in general accordance with drawing nos. THDA SK12 Rev C, THDA 15-0752 101 Rev 1 & THDA 15-0752 102 Rev 1, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter.

REASON:

In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

25. No development shall commence in the relevant phase until a scheme of mitigation for the A46/Stoneleigh Road/Dalehouse Lane Interchange, in general accordance with drawing no. THDA 15-0752 110, has been submitted to and approved in writing by the local planning authority. Thereafter the mitigation scheme shall be implemented in strict accordance with the approved details and permanently retained thereafter.

REASON: In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

26. No construction shall commence in each phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition.

REASON: In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

27. Access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours.

REASON: In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

28. No development shall commence other than site preparation and earthworks until details of the proposed accesses onto Rowley Road, in general accordance with drawing no. THDA 15-0752 106 and PHP Architects Illustrative Development Plan 3924-1 002 rev P8, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in accordance with the approved plans and permanently retained thereafter.

REASON: In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

29. No construction shall commence on site until a detailed Highway Improvement Works Phasing Plan and Construction Sequence Programme/Timetable, linked to the extent of built floor space, and generally in accordance with Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 and PHP Architects Construction Phasing Plan Including Highways and Earthworks 3924-1 004 rev P3 has been submitted to and approved in writing by the local planning authority. Thereafter the phasing of development shall be undertaken in full accordance with these approved details.

REASON: In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

30. No more than 46,450 square metres (GFA) of development falling within Use Class B1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be brought into use and occupied until the Phase 2 site access highway works as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 have been constructed in general accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation and is opened to traffic.

REASON: In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

31. The construction of any highway structure as identified on TH:DA Drawing No. 15-0752 140 (Structures Location Plan) shall be undertaken only in full accordance with details, which shall include an approval in principle report, which have previously been submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

32. No highway works approved as part of the development shall be undertaken unless and until:
- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
  - ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time;

in respect of those highway works, have been submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

33. Street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycleways in full accordance with details previously submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway, pedestrian and cyclist safety in accordance with Policies DP6 and SC4 of the Warwick District Local Plan 1996-2011.

34. At all times following the completion and opening to traffic of the phase 3 highway works in respect of the new A45 junction between the Festival and Toll Bar Islands, as illustrated on Lawrence Walker Ltd Drawing no. Figure 2 Rev P27 (Site Access Proposed Improvements Phasing) signage, traffic signal or other traffic management arrangements shall be in place on Rowley Road in accordance with details previously submitted to and approved in writing by the local planning authority to discourage vehicles exiting the development from utilising the roundabout element of the completed Highways Agency Tollbar End Improvement Scheme in order to access the strategic highway network.

REASON: In the interests of promoting the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

35. No building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:
- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
  - ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
  - iii) Covered cycle and motorcycle parking; and
  - iv) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times.

REASON: In the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies DP6, DP8 and SC4 of the Warwick District Local Plan 1996-2011.

### Car parking and sustainable travel

36. The number of car parking spaces to be provided within the application site in respect of the development hereby permitted shall not exceed 2,500, of which a maximum of 500 shall be allocated for visitors and no more than 2,000 for the employees of the development. Provided the above limits are not exceeded, car parking shall be provided in accordance with the standards for low accessibility zones set out in the Council Vehicle Parking Standards Supplementary Planning Document.

REASON: In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies DP6, DP7 and DP8 of the Warwick District Local Plan 1996-2011.

37. Prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy.

REASON: In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies DP6, DP7 and DP8 of the Warwick District Local Plan 1996-2011.

38. The reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit.

REASON: To promote sustainable transport choices in accordance with Policy SC4 of the Warwick District Local Plan 1996-2011.

### Drainage and flood risk

39. No development other than site preparation and earthworks shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 plus 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- i) Full drainage calculations for a range of events (Microdrainage windes or similar)
  - ii) Construction details for the ponds/swales

- iii) Details of how the scheme will be maintained and managed after completion.

REASON: To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

40. The development hereby permitted (other than site preparation and earthworks) shall not be commenced until such time as a scheme to provide details of the proposed bridges and bridge extensions has been submitted to, and approved in writing by, the local planning authority. The scheme shall include construction details, details of bridge openings and details of any floodplain compensatory works. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements in the scheme, or any alternative arrangements as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure the bridges and bridge extensions are constructed to a satisfactory standard and will not increase flood risk elsewhere in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

41. The development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment (dated 15/01/16, ref: WHI-BWB-EWE-XX-RP-EN-0001\_FRA Rev C, prepared by BWB Consulting) and the following mitigation measures detailed within the Flood Risk Assessment:

- Finished floor levels to be set no lower than 600mm above the 1 in 100 year +20% flood level and at least 150mm above average surrounding ground level as recommended in Table 5.1.
- Provision of floodplain compensation for the new River Sowe bridge on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 7,199m<sup>3</sup>.
- Provision of floodplain compensation for the proposed A46 slip road crossing on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 2,263m<sup>3</sup>.

REASON: To ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

42. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within Flood Zone 3 or the bridge and embankment floodplain compensation areas as delineated on drawing ref: WHI-BWB-EWE-XX-SK-EN-0010, S2, rev P1 (Masterplan showing Flood Zones).

REASON: To ensure the bridges and bridge extensions will not increase flood risk elsewhere in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

43. The reserved matters submitted under Condition 1 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase. Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use.

REASON: To ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

44. No development shall take place until a scheme for the provision and management of compensatory habitat creation, to compensate for the impact of the proposed development on the River Sowe, has been submitted to and agreed in writing by the local planning authority. This should include an investigation into the feasibility of river bank and floodplain restoration. Thereafter the development shall be implemented in accordance with the approved scheme.

REASON: To ensure that harm resulting from the development can be adequately mitigated in accordance with Paragraph 118 of the NPPF.

Relocation and protection of community and other facilities

45. For the duration of highway construction works on Rowley Road and thereafter at all times following the completion of those highway works access for the Midland Air Museum to and from Rowley Road shall be maintained in accordance with details submitted to and approved in writing by the local planning authority.

REASON: To safeguard this cultural facility.

46. The development hereby permitted shall not be commenced on the site occupied by Trinity Guild RFC unless and until:
- i) the Trinity Guild RFC have moved to a new site and playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities have been provided for the club on that site which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site in accordance with details submitted to and approved in writing by the local planning authority in consultation with Sport England and;
  - ii) those playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities on that new site are available for use by the club.

REASON: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use and to accord with the NPPF.

### Archaeology

47. No development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently 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 where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

### Crime and anti-social behaviour

48. No part of the development hereby permitted shall be occupied until:

- i) details of measures to prevent illegal road racing or other anti-social or dangerous use of the roads within the development have been submitted to and approved in writing by the local planning authority; and
- ii) the measures approved under i) have been implemented in strict accordance with the approved details in relation to that part.

REASON: To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy DP14 of the Warwick District Local Plan.

49. No part of the development hereby permitted shall be occupied until ANPR cameras have been provided in accordance with a scheme submitted to and approved in writing by the local planning authority. The ANPR equipment shall comply with the ACPO ANPR standards and with the information security requirements of Warwickshire Police. Warwickshire Police shall be provided with access to the live feeds from the ANPR cameras at all times thereafter.

REASON: To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011.

### Noise, dust and odour

50. Fume extraction and odour control equipment (including external ducting flues) associated with any catering operation shall be properly installed in its entirety in accordance with details first submitted to and approved in writing by the local planning authority and such installation shall have been inspected by the local planning authority before that catering operation commences. Any external ducting shall be colour coated in accordance with the approved details within one month of its installation and any replacement



or modification shall be colour coated to match within one month of its installation. The equipment shall be permanently operated and maintained in accordance with the manufacturer's specifications.

REASON: In the interests of amenity in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

51. Noise arising from any plant or equipment within the application site, when measured one metre from the façade of any residential property, 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.

52. None of the buildings hereby permitted shall be first occupied until:
- (i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted to and approved in writing by the District Planning Authority; and
  - (ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter.

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.

53. The Construction Management Plan to be submitted under Condition 26 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities.

REASON: In the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies DP2, DP6, DP7 and DP9 of the Warwick District Local Plan 1996-2011.

54. No development shall take place on any phase of development until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

REASON: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan.

#### Contamination

55. No development shall take place on any phase of the development until:

- i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;
- ii) a site investigation has been undertaken in accordance with details approved by the local planning authority using the information obtained from the preliminary risk assessment;
- iii) a method statement detailing the remediation requirements (including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation) has been submitted to and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

No remediation should be undertaken before the method statement has been so approved. The approved remediation requirements shall thereafter be implemented in full and all development of the site shall accord with the approved method statement.

REASON: To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

56. If, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall thereafter be implemented.

REASON: To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

57. No phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of

pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

REASON: To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

58. No recycled aggregate shall be imported to any part of the application site to be used in the construction of the development hereby permitted until:
- i) a scheme of validation sampling has been submitted to and approved in writing by the local planning authority; and
  - ii) the recycled aggregate has been sampled in accordance with the scheme approved under i) and the results of the sampling have been submitted to and approved in writing by the local planning authority.

REASON: To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

59. No infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local planning authority. This consent will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON: To protect controlled waters and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

#### Fire safety

60. Construction work shall not begin on any phase of the development hereby permitted until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development.

REASON: In the interests of fire safety in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

#### Lighting

61. No development shall commence on any phase of the development hereby permitted, other than site preparation and earthworks, until a lighting scheme for that phase of the development, excluding street lighting, has been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes.

REASON: To protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

Sustainable buildings

62. No work shall commence on any of the buildings permitted under this outline planning permission and any subsequent reserved matters approval 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. No building shall be first occupied until all the works within this scheme in respect of that building have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

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

-----

**Town/Parish Council:** Kenilworth

**Case Officer:** Debbie Prince

01926 456529 [debbie.prince@warwickdc.gov.uk](mailto:debbie.prince@warwickdc.gov.uk)

**Land at New Kingswood Farm, Dalehouse Lane, Kenilworth, CV8 2JZ**

Application for a Certificate of Appropriate Alternative Development.

LAND COMPENSATION ACT 1961, SECTION 17 AS SUBSTITUTED BY SECTION 63  
OF THE PLANNING AND COMPENSATION ACT 1991

Conversion of agricultural building to 3 dwellings

.....  
This application has been made by Mr Guy Minshull, the owner of New Kingswood Farm, a property which is being compulsorily purchased by HS2 Ltd.

**RECOMMENDATION**

Planning Committee are recommended to certify that the Prior Approval of the Local Authority is not required for the conversion of the building into 3 residential units.

**BACKGROUND**

The proposals the subject of this report arise from legislation which has been enacted to facilitate the delivery of the HS2 proposal and in particular are designed to assist landowners in realising an appropriate financial return upon the compulsory purchase of a property by in this case HS2 Limited.

A Certificate of Alternative Appropriate Development does not comprise a planning permission or a Prior Approval and does not permit development to be undertaken. Rather, it is intended to identify development which is considered to be acceptable and likely to obtain planning permission or the Prior Approval of the Council (were a submission to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

An application for a certificate can only be made by persons owning the land or property in question or the Authority making the compulsory purchase, in this case HS2. Where a Certificate is granted, it relates to the principle of a proposal only and for that reason the legislation does not require applicants to submit detailed plans.

Similarly, there is no requirement for the Local Planning Authority to undertake any consultation or publicity and the proposal should be considered under "normal" circumstances (i.e. without considering the HS2 proposal) taking into account the relevant material considerations and in this case the Permitted Development Rights conferred by The Town and Country Planning (General Permitted Development) (England) Order 2015.

## **THE SITE AND ITS LOCATION**

The application property is an agricultural building located close to an existing farmhouse surrounded by arable farmland on the south side of Dalehouse Lane in the open countryside and Green Belt.

The property is being Compulsorily Purchased by HS2 Ltd for the construction of the high speed railway line.

## **RELEVANT POLICIES**

The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 3 Class Q

## **ASSESSMENT**

### **Details of the Development**

The assessment to be undertaken in this case is whether prior approval under Schedule 2, Part 3, Class Q (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 relating to a proposed change of use from an agricultural building to a dwelling house(s) (Use Class C3) would be given.

If it is concluded that prior approval would be given, it follows that the Certificate of Alternative Appropriate Development should also be issued.

The main issues relevant to the consideration of this request for prior approval are:

- whether the proposals comply with the limitations of Schedule 2, Part 3, Class Q of the GPDO;
- the transportation and highways impacts of the development;
- the noise impacts of the development;
- any contamination risks on the site;
- any flooding risks on the site;
- whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order.

These are the only issues that Local Planning Authorities are able to consider under the prior approval regime in respect of proposals such as this.

### **The limitations of Class Q**

Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits development consisting of: (a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order; and (b) building operations reasonably necessary to convert the building to a use falling within Class C3 (dwelling

houses) of that schedule, subject to the above main considerations and other limitations.

Before considering the main issues the subject of this report, members are advised that the proposals also meet the following limitations which enable the proposals to be considered under Class Q:

- (a) the site was used solely for an agricultural use on 20 March 2013;
- (b) the cumulative floor space of the existing building or buildings changing use under Class Q within this agricultural unit does not exceed 450 square metres: *the total floor space proposed is 449m<sup>2</sup>.*
- (c) the cumulative number of separate dwelling houses developed under Class Q within the agricultural unit does not exceed three;
- (d) the site is not occupied under an agricultural tenancy;
- (e) an agricultural tenancy has not been terminated within the past year;
- (f) no development under certain other classes of the General Permitted Development Order has been carried out on the agricultural unit since 20 March 2013;
- (g) the development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- (h) the development (together with any previous development under Class Q) would not result in more than 450 square metres of floor space of building or buildings within the agricultural unit having changed use under Class Q;
- (i) the development would not consist of building operations other than:  
(i) the installation of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house; or (ii) partial demolition to the extent reasonably necessary to carry out these building operations;
- (j) the site is not within Conservation Area.
- (k) the site does not form part of a site of special scientific interest, a safety hazard area or a military explosives storage area;
- (l) the site is not, and does not contain, a scheduled monument; and
- (m) the building is not a listed building.

## **Assessment of the Main Issues**

### **Noise impacts of the development**

The isolated nature of the site is such that I am satisfied that there would be no adverse noise impact as a result of the development.

### **Contamination risks on the site**

There are no known contamination risks associated with the application site.

### **Flooding risks on the site**

The site is situated within Flood Zone 1 and consequently there is no undue flood risk.

### **Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to be used as a dwelling**

The application site is well connected to the local highway network by a 5m wide track and there is clear visibility in both directions onto Dalehouse Lane. There are no other matters that would affect the occupation of the building as a dwelling house.

Overall, I am satisfied that it would not be impractical or undesirable for the building to be used as a dwelling.

### **Design and external appearance of the building**

The design and appearance of the buildings are considered appropriate and would not entail anything other than the installation of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services, to the extent reasonably necessary for the resultant buildings to function as dwelling houses; or partial demolition to the extent reasonably necessary to carry out these building operations.

## **CONCLUSION**

It is therefore concluded that prior approval would be given under Class Q for the conversion of the building into 3 residential units. It therefore follows that a Certificate of Appropriate Alternative Development should be issued.