

Planning Committee

Tuesday 28 March 2017

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 28 March 2017 at 6.00pm.

Councillor Cooke (Chairman)
Councillor Ashford (Vice Chairman)
Councillor Boad
Councillor Mrs Bunker
Councillor Day
Councillor Heath
Councillor Mrs Hill
Councillor Morris
Councillor Naimo
Councillor Mrs Stevens
Councillor Weed

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 28 February 2017.

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Part B – Planning Applications

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

5. **W/16/2046 – Llandrecies, Church Road, Old Milverton** (Pages 1 to 6)
6. **W/16/2208 – Land between Myton Road and Europa Way, Warwick** (Pages 1 to 9)
7. **W/16/2260 – Comptons Garage, Rugby Road, Cubbington** (Pages 1 to 4)
8. **W/17/0185 – Fuelwood Ltd, Claywood, Clattyland Lane, Beausale** (Pages 1 to 8)
9. **W/17/0264 – 46 Warwick Street, Royal Leamington Spa** (Pages 1 to 5)
10. **W/17/0288 – Former printworks, Theatre Street/Bowling Green Street, Warwick** (Pages 1 to 9)
11. **W/17/0291 – 11 Lee Road, Royal Leamington Spa** (Pages 1 to 4)

Part C – Other matters

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

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications 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, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.

- (e) occasionally items are withdrawn from the agenda after it has been published.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

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

You can e-mail the members of the Planning Committee at

planningcommittee@warwickdc.gov.uk

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

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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 28 February 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Day, Edgington, Heath, Mrs Hill, Naimo, Mrs Stevens and Weed.

Also Present: Senior Committee Services Officer – Mrs Barnes; SDC Legal Advisor – Mr Parsons; WCC Legal Advisor – Mrs Gutteridge; Head of Development Services – Mrs Darke; Development Services Manager – Mr Fisher.

137. Apologies and Substitutes

- (a) There were no apologies; and
- (b) Councillor Edgington substituted for Councillor Morris.

138. Declarations of Interest

Minute Numbers 141 & 142 – W/16/2243 & W/16/2244/LB – Shire Hall, Northgate Street, Warwick

Councillor Ashford declared an interest because he had been a Member of the Licensing & Regulatory Panel when the licensing application for the above premises was considered.

Councillor Edgington declared a prejudicial interest because he was a member of Warwick Town Council's Planning Committee and he left the room whilst the item was discussed.

During the course of the meeting, Councillor Boad declared an interest because his wife was a Warwickshire County Councillor.

Minute Number 147 – W/16/2122 – Narrow Hall Meadow, Warwick

Councillor Edgington declared a prejudicial interest because he was a member of Warwick Town Council's Planning Committee and he left the room whilst the item was discussed.

Minute Number 148 – W/16/2194 – 37 Sherbourne Place, Clarendon Street, Royal Leamington Spa

Councillor Weed declared an interest because one of the objectors was known to her. However, she had had no contact with the individual.

Minute Number 150 – W/17/0071 – 13 Spring Lane, Kenilworth

Councillor Mrs Hill declared an interest because the application site was in her Ward.

PLANNING COMMITTEE MINUTES (Continued)

139. Site Visits

To assist with decision making, Councillors Ashford, Boad, Mrs Bunker, Cooke, Heath, Mrs Hill, Mrs Stevens and Weed had visited the following application sites on Saturday 25 February 2017:

W/16/2310 – 24 Ashford Gardens, Whitnash

W/16/2291 – Hampton View, Henley Road, Hampton-on-the-Hill

140. Minutes

The minutes of the meeting held on 31 January 2017 were taken as read and signed by the Chairman as a correct record subject to an amendment to remove the reference to the Chairman's casting vote from minute number 130 and add it to minute number 129.

141. W/16/2243 – Shire Hall, Northgate Street, Warwick

The Committee considered an application from Warwickshire County Council for proposed internal and external works to facilitate the use of the buildings as an events venue, including: external alterations, installation of gates, disabled access ramp and internal alterations consisting of the installation of additional toilets, acoustic improvements and associated fire risk assessment works.

The application was presented to Committee because the applicant was Warwickshire County Council.

The application was considered in conjunction with Minute Number 142, W/16/2244/LB which related to the Listed Building permissions to the premises.

The officer was of the opinion that the proposal to utilise Old Shire Hall would secure a viable future for the building and, as amended, would not be harmful to the integrity of the listed building. The amenities of surrounding users would not be harmed as a result of the proposal, which adopted appropriate mitigation measures. Additional car parking could be accommodated within the wider area and was acceptable, subject to an updated travel plan, which could be secured by condition. Furthermore, the proposal would also bring investment into Warwick town centre and the application was therefore recommended for approval.

An addendum circulated at the meeting highlighted concerns raised by an occupant of a residential property facing the site and advised that the resident had also conducted their own noise survey. The applicant had also reiterated that the premise would be appropriately and sensitively managed.

In addition, clarification was provided relating to the travel plan which would be refreshed to provide further information about cycling provision and shuttle bus drop off arrangements.

The following people addressed the Committee:

- Councillor Holland, Warwick Town Council, supporting;

PLANNING COMMITTEE MINUTES (Continued)

- Mr Jobburn, local resident, objecting;
- Mr Smith, representative of the applicant, Warwickshire County Council; and
- Mrs Butcher, Warwick Chamber of Trade, supporting.

Following consideration of the report, presentation, information in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Weed that the application should be granted. Permission was granted subject to additional wording being added to Condition 6 to include reference to the servicing of the building. The final wording would be delegated to officers in consultation with the Chairman.

The Committee therefore

Resolved that W/16/2243 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 5151209.07, 5151209.08, 5151209.09, 5151209.13 submitted on 7 December 2016, 5151209.02 (A) submitted on 7th February 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) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission, until

PLANNING COMMITTEE MINUTES (Continued)

large scale details of the proposed internal doors, secondary glazing and the exterior gates at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to check all suitable features in the roof of the building and associated structures to be affected immediately prior to works commencing. All roofing material is to be subsequently 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 order to discharge the condition above a brief report from the bat worker must be submitted to and approved by the local Planning Authority (with advice from WCC Ecological Services); and

- (6) within 3 months of the date of planning consent, an addendum to the submitted Travel Plan shall be submitted to address the issues of vehicle access and bicycle storage associated with the development, which will require to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **Reason:** In the interests of highway safety and the free flow of traffic in

PLANNING COMMITTEE MINUTES (Continued)

accordance with Policies DP6 and DP8 of the Warwick District Local Plan 1996-2011.

NB – Officers will agree additional wording, in consultation with the Chairman, which will be added to this condition to include reference to the servicing of the building.

142. W/16/2244/LB – Shire Hall, Northgate Street, Warwick

The Committee considered an application from Warwickshire County Council for proposed internal and external works to facilitate the use of the buildings as an events venue, including: external alterations, installation of gates, disabled access ramp and internal alterations consisting of the installation of additional toilets, acoustic improvements and associated fire risk assessment works.

The application was presented to Committee because the applicant was Warwickshire County Council.

The application was considered in conjunction with Minute Number 141, W/16/2243 which related to the planning permissions to the premises.

The officer was of the opinion that the proposal to utilise Old Shire Hall would secure a viable future for the building and as amended, would not be harmful to the integrity of the listed building. There would be no harm caused to items of archaeological importance, subject to a suitable programme of archaeological works which could be secured by condition.

Furthermore, the proposal would also bring investment into Warwick town centre and the application should therefore be approved.

An addendum circulated at the meeting highlighted concerns raised by an occupant of a residential property facing the site and advised that the resident had also conducted their own noise survey. The applicant had also reiterated that the premise would be appropriately and sensitively managed.

In addition, clarification was provided relating to the travel plan which would be refreshed to provide further information about cycling provision and shuttle bus drop off arrangements.

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

The Committee therefore

Resolved that W/16/2244/LB be **granted** subject to the following conditions:

- (1) the works hereby permitted shall begin not later than three years from the date of this
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PLANNING COMMITTEE MINUTES (Continued)

consent. **Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended);

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 5151209.03, 5151209.04, 5151209.05, 5151209.06, 5151209.07, 5151209.08, 5151209.09, 5151209.13, 1648/M/01, 1648/M/51, 1648/M/50 Rev A, 1648/M/52 Rev A, 1648/E/100 and 1648/M/10 Rev A submitted on 7 December 2016, 5151209.02 (A) submitted on 7th February 2017, and 5151209.01 A submitted on 16th February 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) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011; and
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed internal doors, secondary glazing and the exterior gates at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

The Head of Development Services arrived at the conclusion of this item.

PLANNING COMMITTEE MINUTES (Continued)

143. **W/16/1511 – Elmhurst, Honiley Road, Beausale**

The Committee considered an application from Mr Bird for the erection of two, single storey side extensions, a two storey rear extension and external alterations.

The application was presented to Committee because support had been received from Beausale, Haseley, Honiley and Wroxall Parish Council and the officers' recommendation was to refuse permission.

The officer was of the opinion that the proposals would constitute a 69.3% addition to the house as originally built and was therefore considered to result in disproportionate additions which were inappropriate within the Green Belt, harmful by definition and by reason of harm to openness and therefore contrary to the NPPF and Saved Local Plan Policy RAP2. The recommendation, therefore, was to refuse permission.

An addendum circulated at the meeting advised that further neighbour support had been received because the proposal would allow the occupiers to remain in the property rather than needing to move house.

The following people addressed the Committee:

- Councillor Slatem, Beausale, Haseley, Honiley and Wroxall Parish Council, supporting;
- Mr Bird, the applicant; and
- Councillor Whiting, Ward Councillor, supporting.

Following consideration of the report, presentation, information in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application should be refused as per the officers' recommendation.

The Committee therefore

Resolved that W/16/1511 be **refused** for the following reason:

- (1) the application property is within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national policy guidance contained in the NPPF.

The NPPF states that the limited extension of existing buildings in the Green Belt may be appropriate provided that it does not result in a disproportionate addition over and above the size of the original building. Policy RAP2 of the Warwick District Local Plan 1996-2011 specifies that extensions over 30% of the floor area of the original dwelling are likely to be considered disproportionate.

PLANNING COMMITTEE MINUTES (Continued)

In the opinion of the Local Planning Authority, the proposed 69.3% increase in floor space would radically alter the scale and character of the original dwelling, thus constituting an undesirable extension and consolidation of a residential property likely to affect detrimentally the character of this rural locality, thereby constituting inappropriate development conflicting with the aims of Green Belt and Local Plan policy.

The proposal is considered to be harmful by definition and by reason of harm to openness and is contrary to the aforementioned policies. No very special circumstances have been presented which are considered to outweigh the harm identified.

144. W/16/2291 – Hampton View, Henley Road, Hampton-on-the-Hill

The Committee considered an application from Mr Purser for the erection of a single story building with flat, green (living) roof linking the two existing residential buildings that comprised the property, Hampton View.

The application was presented to Committee at the request of Councillor Phillips.

The officer was of the opinion that the proposed link building and subsequent extension of the dwelling were considered inappropriate development within the Green Belt and no very special circumstances had been put forward which would outweigh the harm to the openness of the Green Belt. Therefore, the proposal was not considered to comply with the NPPF, adopted Local Plan policy RAP2 and emerging Local Plan policy H14 and was recommended for refusal.

The following people addressed the Committee:

- Mr Purser, the applicant; and
- Councillor Phillips, Ward Councillor, supporting.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Boad that the application should be refused in line with the officers' recommendation.

The Committee therefore

Resolved that W/16/2291 be **refused** for the following reason:

- (1) the property, subject of the application, is within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national

PLANNING COMMITTEE MINUTES (Continued)

policy guidance contained in the National Planning Policy Framework (NPPF). The NPPF states that the limited extension of existing dwellings in Green Belt areas may be appropriate provided that it does not result in a disproportionate addition over and above the size of the original dwelling. Policy RAP2 of the Warwick District Local Plan 1996-2011 and policy H14 of the emerging Warwick District Local Plan 2011-2026 seek to prevent extensions to dwellings which substantially alter the scale, design and character of the original dwelling and indicates that extensions which are greater than 30% of the floor area of the original dwelling are likely to be considered disproportionate.

In the opinion of the Local Planning Authority it is considered that, when taken together with the existing extensions, the proposed development would radically alter the scale and character of the original dwelling, thus constituting a disproportionate extension of the original dwelling which would constitute inappropriate development in the Green Belt harmful by definition and also result in a material loss of openness of this part of the Green Belt. The proposal would therefore be contrary to the aforementioned policies.

145. W/16/2099 – Swallows Rest, Red House Farm Lane, Beausale

The Committee considered an application from Mr Tustin for the erection of a single storey rear extension.

The application was presented to Committee because support had been received from Beausale, Haseley, Honiley and Wroxall Parish Council and the officers' recommendation was to refuse permission.

The officer was of the opinion that the proposal of the single storey extension to Swallows Rest, a barn conversion, was considered inappropriate and unacceptable according to the Council's Design Guidance for Agricultural Buildings and Barn Conversions, and was by nature a residential addition to the barn which would increase its domestic character. The scale and design of the doors, windows and roof lights were also very domestic in style and the large panels of glazing were uncharacteristic of this barn, and involved the unnecessary loss of walls, all of which would add to the detriment caused to its character and integrity.

The recommendation was therefore to refuse permission.

The following people addressed the Committee:

- Councillor Slatem, Beausale, Haseley, Honiley and Wroxall Parish Council, supporting;

PLANNING COMMITTEE MINUTES (Continued)

- Mr Ellson, applicant's representative; and
- Councillor Whiting, Ward Councillor, supporting.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Edgington that the application should be refused in line with the officers' recommendation.

The Committee therefore

Resolved that W/16/2099 be **refused** for the following reasons:

- (1) policy RAP7 of the Warwick District Local Plan (1996-2011) sets out a number of criteria for the conversion of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding or alteration to the external appearance of the building, and for the appearance and setting of the building following conversion to protect and where possible, enhance the character and appearance of the countryside.

The application site which lies within the Green Belt, comprises a converted former agricultural building which is part of a larger complex of barns now used for residential occupation. The District Council has approved Supplementary Planning Guidance on barn conversions, and permitted development rights for subsequent extensions are removed in order to ensure that the character and appearance of the converted buildings and their setting within the wider countryside are respected and protected.

In the opinion of the District Planning Authority, the proposed extension is considered inappropriate and unacceptable as it is by nature a residential addition to the barn which will increase its domestic character. The scale and design of the doors, windows and roof lights are also very domestic in style and the large panels of glazing are uncharacteristic of this barn, and involves the unnecessary loss of walling, all of which will add to the detriment caused to its barn-like character.

Overall it detracts from the original character and appearance of the agricultural complex of buildings, thereby prejudicing the objectives of the aforementioned policy. If permitted, this type of extension could act as a precedent for extensions to other converted barns which

PLANNING COMMITTEE MINUTES (Continued)

would be difficult to resist, thereby cumulatively eroding the character and appearance of the countryside to the detriment of the wider Green Belt and open countryside within the District; and

- (2) policy DAP4 of the Warwick District Local Plan 1996-2011 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting, and NPPF Paragraph 134 states that Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The original form of the L-shaped barn and the significance of its relationship to the Listed Hay Barn and farm house will be negatively impacted by the proposed extension and its positioning, and therefore the general character of the Barn is eroded and less than substantial harm would be caused to the Heritage Asset. This harm is not outweighed by any public benefits and neither is there any need to secure the viability of the site.

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

146. **W/16/2129 – 38 High Street, and 1 Court Street, Royal Leamington Spa**

The Committee considered an application from Mr Biran for the erection of a second floor extension and alterations to the first floor to provide four, one bedroom flats.

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 the proposed residential units within this area adhered to the criteria set out within the adopted Local Plan. There would be no additional harm to nearby uses or residents as a result of the proposal and the parking survey submitted showed that parking could be accommodated on street. Adequate waste storage had been provided and therefore the application should be granted.

The following people addressed the Committee:

- Councillor John Knight, Royal Leamington Spa Town Council, objecting; and

PLANNING COMMITTEE MINUTES (Continued)

- Mr Baldwin, applicant's representative.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Ashford that the application should be granted in line with the officers' recommendation.

The Committee therefore

Resolved that W/16/2129 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1107/1a and 1107/5 submitted on 7th February 2017 and 1107/2d and 1107 / 4d submitted on 15th February 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) 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;

PLANNING COMMITTEE MINUTES (Continued)

- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (5) 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;
- (6) 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 CO² 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;

PLANNING COMMITTEE MINUTES (Continued)

- (7) 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: measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP2 of the Warwick District Local Plan 1996-2011;
- (8) 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;
- (9) the development hereby permitted shall not be occupied unless and until the refuse storage scheme has been constructed or laid out, and made available for use by the occupants of the development in accordance with the approved details and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **Reason:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011; and
- (10) the development hereby permitted shall be constructed strictly in accordance with the Environmental Noise Survey and Assessment prepared "noise.co.uk" submitted on 21st

PLANNING COMMITTEE MINUTES (Continued)

November 2016. **Reason:** In the interest of protection nearby amenity and the satisfactory development of the site in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

147. W/16/2122 – Narrow Hall Meadow, Warwick

The Committee considered an application from Busy Bees for the installation of three, non-illuminated signs.

The application was presented to Committee because of the number of objections received, including one from Warwick Town Council.

The officer was of the opinion that the amended scheme was thought to have suitably addressed planning and public concerns as voiced during the application process, and was now much improved. The design, level of information and scale of the signs was considered appropriate and there were no issues surrounding public safety. Therefore, the Advertisement Consent was recommended for approval.

An addendum circulated at the meeting advised that Councillor Ashford had withdrawn his objection following receipt of a revised scheme for three signs.

Following consideration of the report, presentation, information in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Heath that the application should be granted in line with officers' recommendation.

The Committee therefore

Resolved that W/16/2122 be **granted** subject to the following condition:

- (6) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 20th November 2016 and approved amended drawings 'Proposal Rev C south east elevation and south west elevation' and 'Proposal Rev C north west elevation and north east elevation' submitted on 9th February 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.

148. W/16/2194 – 37 Sherbourne Place, Clarendon Street, Royal Leamington Spa

The Committee considered an application from Mr Bains for the erection of a trellis panel on timber stilts.

PLANNING COMMITTEE MINUTES (Continued)

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

The rear neighbour's side elevation abutted the rear boundary of the site and the trellis was proposed immediately adjacent to this side elevation, which had one small obscure glazed bathroom window and one small obscure glazed lounge window (secondary light source) which faced directly onto the garden area belonging to the applicant. The proposed trellis would be situated immediately outside the neighbour's bathroom window, however, it would be situated such that it would still permit the window to be opened.

The officer was of the opinion that while an unusual proposal and juxtaposition of properties, it was considered that the proposal would not result in material harm to the living conditions of the occupier of the neighbouring property by reason of loss of light or outlook as the windows were obscure glazed, one served a non-habitable room and the other was a secondary light source. The proposal was therefore considered to comply with Warwick District Council's Local Plan Policy DP2.

Members raised concerns that the application was a result of a dispute between neighbours and noted that the properties were in an unusual position in relation to one another. Consideration was given to restricting the height of the trellis to the bottom cill of the first floor window but it was felt that even this would be unneighbourly.

Some Members, whilst sympathetic, did not feel that the erection of the trellis would cause any more loss of light than the tree that was currently planted and did not feel that there were sufficient planning grounds to refuse permission.

A proposal to grant as per the officers' recommendation was duly seconded but on being put to the vote was defeated.

Following consideration of the report and presentation, it was proposed by Councillor Cooke and seconded by Councillor Day that the application should be refused, contrary to the officer's recommendation, because it impacted on the neighbour's amenity.

The Committee therefore

Resolved that W/16/2194 be **refused** because it impacts on the neighbour's amenity.

149. **W/16/2301 – 24 Ashford Gardens, Whitnash**

The Committee considered an application from Mr Sandhu for the erection of a single storey rear extension.

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

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the proposed single storey rear extension was considered to be acceptable for the reasons provided above and was considered to accord with the policies listed.

Following consideration of the report and presentation, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that the application should be granted in accordance with the officers' recommendation.

The Committee therefore

Resolved that W/16/2301 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 1102-D, and specification contained therein, submitted on 19th December, 2016. **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 CO² 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;

PLANNING COMMITTEE MINUTES (Continued)

- (4) 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; and
- (5) 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.

150. **W/17/0071 – 13 Spring Lane, Kenilworth**

The Committee considered an application from Mr Cain for the erection of a detached garage to the front of the property.

The application was presented to Committee because the applicant was a Member of Warwick District Council.

The officer was of the opinion that the proposal was considered to be acceptable in retaining the character of the surrounding area without materially impacting on residential amenity or highway safety.

Following consideration of the report and presentation, it was proposed by Councillor Edgington and seconded by Councillor Day that the application should be granted in accordance with the officers' recommendation.

The Committee therefore

Resolved that W/17/0071 be **granted** subject to the following conditions:

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

PLANNING COMMITTEE MINUTES (Continued)

- (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)Nos: M1636_PL_DRG_0003, M1636_PL_DRG_0005, M1636_PL_DRG_006, and specification contained therein, submitted on 17 January 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) 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) 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 in the south facing elevation of the garage hereby approved without the written approval of the local planning authority 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;
- (5) the building hereby permitted shall be used only for purposes ancillary to the use of 13 Spring Lane for residential purposes and for no other purpose (even if such other purpose would not otherwise require planning permission or would otherwise be permitted by any legislation), unless otherwise agreed in writing by the local planning authority. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the

PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 1996-2011; and

- (6) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the 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.

151. Appeals Report

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

Resolved that the report be noted.

PLANNING COMMITTEE MINUTES (Continued)

152. Urgent Item – Planning Enforcement Service targets January 2016- January 2017

Members received a report from the Enforcement Manager which detailed the Enforcement Team's January 2016 to January 2017 performance since the adoption of the new Enforcement Procedure in December 2013.

In addition, figures had been produced to show the number of incoming cases from the past year, the number closed and the number of enforcement notices served within the same period.

The Members also viewed a number of slides showing examples of enforcement work throughout the District, with before and after photographs.

Members requested that figures be passed to them advising how many enforcement matters had been investigated following direct requests from Warwick District Councillors.

Resolved that the report be noted.

(The meeting ended at 9.43pm)

Planning Committee: 28 March 2017

Item Number: 5

Application No: [W/16/2046](#)

Town/Parish Council: Old Milverton
Case Officer: Dan Charles

Registration Date: 08/11/16

Expiry Date: 03/01/17

01926 456527 dan.charles@warwickdc.gov.uk

Llandrecies, Church Road, Old Milverton, Leamington Spa, CV32 6SA

Erection of replacement dwelling FOR Mr and Miss Hirst and O'Brien

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

RECOMMENDATION

Planning Committee is recommended to refuse planning permission for the reasons listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Demolition of existing detached, two storey dwellinghouse.

Erection of replacement two storey dwellinghouse positioned forwards on the plot.

The proposed dwelling is to be two storey with four bedrooms. It will have an eaves height of 4.5m and an overall ridge height of 7.6m. The plan is for a simple, twin gabled property with dormer windows to the front elevation serving the first floor rooms. To the rear, a single storey, flat roof projection is proposed.

THE SITE AND ITS LOCATION

The application property is a detached two storey dwelling located within the West Midlands Green Belt.

The existing dwelling is a two storey dwelling of fairly modern construction.

The site is flanked by residential properties. To the west, Church Farm House is set well away from the shared side boundary and is set in substantial grounds. To the east is The Stables which is set centrally on the plot with a range of outbuildings forming the side boundary of the site providing a high level of screening.

PLANNING HISTORY

W/16/1224 - Erection of two storey side extension and front porch after demolition of existing single storey extension and alterations to fenestration – Granted 08.09.2016.

W/16/0743 - Application for a Lawful Development Certificate for proposed single storey side extensions and two storey rear extension to the original dwellinghouse as shown on drawing no. 791-04 Revision B received on 25.4.2016, with the materials used in any exterior work to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse – Granted 15.06.2016

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)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (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)
- RAP3 - Replacement 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)
- DS19 - Green Belt (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
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Old Milverton and Blackdown Parish Council: Acknowledge that the existing building is uninspired and lacklustre. The applicants have produced amendments and a minor decrease in volume. Concern that permitted development rights could be used to extend the dwelling further. Moving the dwelling forward on the plot will harm the character of the area. The proposal is considerably larger than the existing. Support a new dwelling in this location that would be in keeping with area. More detail needed regarding materials.

WCC Landscape Team: Objection - No details of existing trees on site. Recommend tree survey be submitted.

WCC Ecology: Recommend protected species conditions and notes be attached to any permission granted.

WCC Highways: Objection - No parking information provided.

Councillor Grainger: Support - Proposal will enhance the street scene and will have minimal impact on the openness of the Green Belt.

ASSESSMENT

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

The application site lies within a rural location washed over by the West Midlands Green Belt.

Paragraph 89 of the NPPF sets out the forms of development that are defined as appropriate development within the Green Belt, which includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The proposed replacement dwelling equates to a 67% increase over and above the existing dwelling. While there is no definition of "not materially larger" in the NPPF or in the adopted Local Plan, it is considered reasonable to conclude that it would be less than "disproportionate" which is defined in adopted Local Plan Policy RAP2 as a guideline of 30%. As such, it is concluded that the proposed replacement dwelling would be materially larger than the one it seeks to replace. The proposal is therefore inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness.

The applicants have put forward what they consider to be very special circumstances in support of their application. Paragraph 88 of the NPPF states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

A Lawful Development Certificate was submitted and approved for two storey rear extensions and single storey side extensions that could be built as 'Permitted Development'. The overall floorspace of these proposed extensions would result in a dwelling that is only fractionally smaller than the replacement dwelling sought as part of the current application. Moreover, a separate application has also been submitted and approved for a two storey side extension. When taken into consideration with the works that can be carried out under Permitted Development, this would amount to a dwelling that has an overall greater floorspace than the proposed replacement dwelling. The applicants have sought quotes for these works and state that this would be a realistic option that provides them with the floorspace that they require for their family's needs should permission not be forthcoming.

The applicants have put forward the case that a dwelling on the site of a similar or slightly larger size could be provided on the site, albeit utilising the body of the existing dwelling and permitted development rights.

However, the permitted development fall-back position is not considered to amount to very special circumstances. This is an argument that could be, and is, put forward time and time again for other properties in the Green Belt and undermines the protection of the Green Belt. This is a view that has also been taken by Inspectors at appeal.

In conclusion, it is not considered that very special circumstances have been demonstrated which outweigh the harm identified.

Impact on character of surrounding area

While it is acknowledged that the existing dwelling on the site does not fit with the rural character of the area in terms of the design, appearance or use of materials within the existing building and does not reflect the character and rural charm of the adjacent properties.

In this respect, a replacement dwelling would be the most appropriate form of development for the site insofar as it provides an opportunity to begin from the ground up with a more appropriate design.

The proposed dwelling has been the subject of a revised design to provide a simple form of dwelling with an appropriate facing brick in lieu of the originally proposed render. The design has also reduced the overall height of the dwelling compared to the original submission.

The design of the dwelling is simple and the use of high quality materials and traditional detailing would provide a form of development that greater respects the rural character of the area than the dwelling that it is proposed to replace.

For the above reasons, I consider that the proposed replacement dwelling would result in an enhancement of the character and appearance of the area. However, this is not considered to outweigh the harm to the Green Belt which the NPPF should be afforded significant weight.

Impact on adjacent properties

The application site is set away from the adjacent properties. The windows on the proposed dwelling would be primarily front and rear facing as per the existing dwelling on the site. It is considered that due to the separation between dwellings, the proposed development would not result in harmful overlooking of the adjacent properties.

The proposed dwelling would be set well away from the site boundaries and would not result in any harmful overbearing impact on the amenity of neighbouring properties.

Overall, it is considered that the proposed development would not have any significant detrimental impact on the amenity of neighbouring properties.

Access and Parking

The site benefits from an existing highway access which is to be retained as part of the development.

The County Highways officer has raised objection to the scheme due to the lack of annotation on the plan setting out the proposed parking area. Whilst not explicitly indicated on the submitted plans, there is clearly an area marked out to the side of the dwelling providing parking for two vehicles together with a turning area in front of the dwelling.

On this basis, it is considered that the proposed development would provide adequate parking and turning facilities within the site. The use of the existing highway access would not result in harm to highway safety in this location.

Energy Efficiency / CO2 reduction

No energy statement was submitted with the planning application. However, it is clear that the provision of a replacement dwelling to replace the existing affords a significant opportunity to incorporate energy saving measures to greatly reduce the CO2 emissions of the site.

In this respect, it is considered that adequate details could be secured through the use of an appropriate planning condition to ensure compliance with Policy DP13 and the associated SPD.

Other Matters

Trees and Hedgerows

The site currently contains a mature tree on the site frontage that is proposed to be removed to make way for the new dwelling. The applicants submitted a tree survey stating that the tree was of limited value and had a limited lifespan and due to its condition would need to be removed.

During the course of the application, the tree was also assessed by the Council's tree specialist. In making the assessment of the tree, the officer noted that the tree was subject to a limited lifespan and would not recommend any protection for the tree. No objection was raised to the removal of the tree.

The loss of any tree is unfortunate but in this case, the proposed site plan indicates the provision of multiple trees to compensate for the loss of the existing tree. Therefore, it is considered that there would be a net gain in the potential number and quality of trees on the site.

Ecology

The County Ecologist has assessed the proposal and identified that the site may be used by protected species. On the basis of this, the ecologist has recommended that in the event of permission being granted, a suite of conditions be imposed to ensure that protected species are not harmed by the

proposed development. It is therefore considered that potential harm to protected species can be adequately mitigated.

Conclusion

The development has been assessed against the Green Belt Policy contained within the NPPF and is considered to represent inappropriate development which is harmful by definition and by reason of harm to openness. No very special circumstances have been submitted for this development that would outweigh the harm identified.

REFUSAL REASONS

- 1 The application property is within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character and openness of the area will be retained and protected in accordance with national policy guidance contained in the NPPF.

Paragraph 89 of the NPPF states that replacement buildings in the Green Belt may be appropriate provided that they are in the same use and not materially larger than the one it replaces.

In the opinion of the Local Planning Authority, the proposed 67% increase in floor space compared to the existing dwelling would result in a building that is materially larger than the existing residential property thereby constituting inappropriate development conflicting with the aims of Green Belt and Local Plan policy.

The proposal is considered to be harmful by definition and by reason of harm to openness and is contrary to the aforementioned policies. No very special circumstances have been presented which are considered to outweigh the harm identified.

Planning Committee: 28 March 2017

Item Number: 6

Application No: [W 16 / 2208](#)

Town/Parish Council: Warwick
Case Officer: Rob Young

01926 456535 rob.young@warwickdc.gov.uk

Registration Date: 21/12/16

Expiry Date: 22/03/17

Land between Myton Road and Europa Way , Warwick

Application for approval of reserved matters under outline planning permission no. W/15/0981 in respect of infrastructure phases I1-I4 (grey and green infrastructure works). Outline planning permission no. W/15/0981 was for a residential development of up to 735 dwellings. FOR Catesby Property Group

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

RECOMMENDATION

Planning Committee are recommended to APPROVE this reserved matters application.

DETAILS OF THE DEVELOPMENT

This is an application for approval of reserved matters under outline planning permission no. W15/0981 for a residential development of up to 735 dwellings. The reserved matters included in this application relate to the infrastructure phases of the development, including the main spine road, open space, strategic landscaping and drainage.

Amended / further details have been submitted to address the issues raised by WCC Highways, WCC Landscape and WDC Green Space.

THE SITE AND ITS LOCATION

The application site is situated adjacent to the southern edge of Warwick. The site measures 39 hectares and is currently in agricultural use.

The northern boundary of the site is formed by the footpath and cycleway that runs alongside the houses in Saumur Way and Aragon Drive, while the eastern boundary is formed by Europa Way. Leamington Shopping Park and the Tachbrook Park employment area are situated on the opposite side of Europa Way. The southern boundary of the site adjoins part of Warwick Technology Park and further agricultural land (also with outline planning permission for residential use). The western boundary of the site adjoins Round Oak School, the farmhouse and former farm buildings at Brook Farm (no longer in agricultural use) and houses in Brittain Lane, Myton Road, Myton Crescent and The Malins.

Two overhead power lines cross the site; a 33kV line running from north to south through the centre of the site and a 132kV line running from north to south towards the eastern edge of the site.

PLANNING HISTORY

Outline planning permissions for residential development on this site were granted in 2014 (Ref. W14/1076) and 2015 (Ref. W15/0981).

Prior to the above applications there had been a number of previous planning applications relating to different parts of the application site. These are not relevant to the consideration of the current proposals.

Outline planning permission was granted for residential development on land adjoining the southern boundary of the site in 2015 (Ref. W14/0967).

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)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- 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)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

- DAP2 - Protecting the Areas of Restraint (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)

The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- 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)
- DS12 - Allocation of Land for Education (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS14 - Allocation of Land for Community Hub (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)
- 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)
- 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)
- HS5 - Directing 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)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (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)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- 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)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Town Council: Object. Support the objection made by Highways and request that the speed limit be reduced to 20mph.

Public response: 52 objections and one comment neither objecting nor supporting have been received, raising the following concerns:

- the infrastructure in the area cannot support this number of new dwellings;
- increased traffic congestion;
- detrimental to highway safety;
- the surrounding roads and junctions cannot cope with the additional traffic that will be created by this development;
- increased flood risk;
- inadequate provision for drainage;
- increased air pollution;
- there is no provision to protect Myton Pool from silt, mud and pollutant run off from the site;
- the proposed pylon will harm the character and appearance of the area and the outlook from adjacent houses;
- the proposed pylon will overshadow neighbouring gardens;
- the new pylon will be very close to the existing pylon to the north of the site;
- inadequate landscaping to screen the new pylon;
- the developer should be required to bury the existing overhead lines in Aragon Drive;
- the new pylon is a health risk;
- adding more traffic to Saumur Way is not appropriate;
- concerns about the safety of the Saumur Way access across the cycle / footpath;
- the proposals are unsustainable;
- inadequate provision for green space;
- the proposed landscaping is inadequate;
- harm to the character and appearance of the area;
- harm to the rural landscape;
- adverse ecological impact; and

- existing trees and hedgerows should be retained.

Inland Waterways Association: Object. The housing density is too high and the green buffer zones, drainage and flood prevention measures are inadequate.

Natural England: Refer back to their comments on the outline application.

Environment Agency: No comments received.

WCC Highways: No objection, following the receipt of amended / further details.

WCC Landscape: Request some minor changes to the landscaping proposals.

WCC Flood Risk Management: No objection.

WCC Ecology: Make various comments on matters covered by the conditions on the outline planning permission in relation to the Landscape and Ecological Management Plan and the Construction and Environmental Management Plan.

WCC Public Health: Refer back to the Health Impact Assessment on the Draft Local Plan that was commissioned in 2014, and the specific provisions in relation to this site.

WDC Tree Officer: No objection.

WDC Green Space Team: Make general comments about the detail of the open space provision.

ASSESSMENT

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application and was found to be acceptable. The outline planning permission also approved the vehicular accesses to the site and therefore these too are not matters that can be considered in the assessment of this application for the approval of reserved matters. Consideration of the current application can only consider issues related to the detailed layout and design of the proposed on-site infrastructure works.

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

- the impact on the living conditions of nearby dwellings;
- the impact on the character and appearance of the area;
- impact on trees and hedgerows;
- open space provision;
- highway safety;
- the ecological impact of the proposals;
- drainage and flood risk; and

- health and wellbeing.

Impact on the living conditions of nearby dwellings

The infrastructure works proposed in this application would not have a significant impact on the living conditions of nearby dwellings. The proposed spine road is situated well away from the nearest dwellings. Furthermore the proposed drainage and open space works would not unduly impact on adjacent dwellings. The proposed landscaping would provide an appropriate setting for the development when viewed from neighbouring dwellings.

A significant number of the objections received relate to the new electricity pylon that is indicated towards the northern edge of the site (alongside the properties in Aragon Drive). However, this does not form part of the current reserved matters application.

Impact on the character and appearance of the area

The proposed infrastructure works are in accordance with the principles set out in the design code and masterplan that have been approved under the outline planning permission. This will provide the framework for a suitably high quality residential environment. The proposed strategic landscaping will create an appropriate setting for the development, in accordance with the principles set out in the Council's Garden Suburbs Prospectus. Amended landscaping details have been submitted to address the issues raised by the County Landscape team. Therefore it is considered that the proposals would have an acceptable impact on the character and appearance of the area.

Impact on trees / hedgerows

The majority of existing trees and hedgerows are proposed to be retained. However, the application does propose the removal of a number of the existing trees and hedgerows on the site. These are mostly lower quality specimens, although a number of higher quality individual trees, groups of trees and hedgerows are included in the removal plans. In some cases the removals are necessary on arboricultural grounds, while in others it is to make way for the proposed development. Bearing in mind other constraints such as design / layout considerations and highway requirements, it is considered that the tree and hedgerow removal has been kept to a minimum. The replacement planting included in the proposed landscaping scheme will adequately compensate for the trees and hedgerows that are to be removed. There has been no objection from the Council's Tree Officer or the County Landscape team. Therefore it has been concluded that the proposals would have an acceptable impact on trees and hedgerows.

Open space provision

The Council's Green Space team are happy with the proposed open space provision, which is in accordance with the Council's Open Space standards.

Amended details have been submitted to address the minor issues that had been raised. Therefore the proposals are considered to be acceptable in this regard.

Highway safety

The applicant has submitted amended / further details to address issues that were raised by the Highway Authority. The Highway Authority have subsequently raised no objection. Therefore the proposals are considered to be acceptable from a highway safety point of view.

The proposals include adequate provision for pedestrian and cycling facilities in association with the spine road, including links through to Myton Road and along Europa Way to Leamington Shopping Park.

Ecological impact of the proposals

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

Drainage and flood risk

There has been no objection from the County Flood Risk Management team. Therefore the proposed drainage details are considered to be acceptable. The drainage scheme will ensure that the development does not increase the risk of flooding.

Objectors have raised concerns about run-off from the site silting up the nearby Myton Pool. However, there are already controls in place to guard against this. This includes conditions on the outline planning permission relating to drainage and ecological protection as well as the separate drainage consents that will be required from Warwickshire County Council in relation to the de-culverting of the watercourse.

Health and wellbeing

The proposed layout includes large areas of public open space as well as provision for walking and cycling. Therefore it is considered that the proposals would have a beneficial effect on health and wellbeing.

Other matters

Objectors have raised concerns about a number of other issues, including the adequacy of off-site infrastructure, off-site traffic impacts and air pollution. However, these issues relate to the principle of development and were all considered in the assessment of the outline application. It is not possible to reconsider these issues in the assessment of this application for the approval of

reserved matters. It should also be noted that many of these issues are addressed by conditions on the outline planning permission and by the associated Section 106 agreement.

SUMMARY / CONCLUSION

The proposals would have an acceptable impact on the living conditions of nearby dwellings and on the character and appearance. Furthermore the open space provision is considered to be appropriate and the proposals would have an acceptable impact on trees and hedgerows. Finally the proposals are considered to be acceptable in terms of highway safety, ecological impact and drainage and flood risk. Therefore it is recommended that this application for the approval of reserved matters is approved.

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 405H, 415C, 500C, 501A, 502A, 38383-Lea25A, 38383-Lea27A, 38383-Lea34C, 38383-Lea35C, 38383-Lea36C, 38383-Lea37C, 38383-Lea38C, 38383-Lea39C & 38383-Lea40A, and specification contained therein, submitted on 5 December 2016, 21 December 2016, 15 February 2017 & 10 March 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: 28 March 2017

Item Number: 7

Application No: [W 16 / 2260](#)

Town/Parish Council: Cubbington
Case Officer: Dan Charles

Registration Date: 12/12/16
Expiry Date: 06/02/17

01926 456527 dan.charles@warwickdc.gov.uk

Comptons Garage, Rugby Road, Cubbington, Leamington Spa, CV32 7HY

Display of signage for petrol filling station including sales building advertisements for "Subway & Spar" FOR Simon Smith Retail Ltd

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

RECOMMENDATION

That Advertisement Consent is granted subject to the 5 standards advertisement consent conditions and the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application is retrospective as the signs have been installed as part of the renewal works to the petrol filling station and associated workshop.

The signage proposed is new corporate signage for the 'Shell' fuel brand and 'Spar', 'Subway' and Costa' franchises that operate within the forecourt shop together with associated brands of products available from the premises.

Signs are also proposed for the associated car repair workshop that operates from the site.

The application submission details a large number of signs for the 'Shell' branding which includes small scale signs on the pump housings advertising the type of fuel available, pump numbers etc. Also proposed are directional signs to the entrance and exit of the site together with new information signs contained under the forecourt canopy.

The larger elements of the proposed 'Shell' signage are an internally illuminated totem sign to the front corner of the site, the new corporate colours to the canopy that is also internally illuminated.

In terms of the shop signage, the key elements are the new internally illuminated fascia sign advertising the 'Spar' franchise together with smaller 'Subway' and 'Spar' illuminated signs. There are also a number of smaller non illuminated signs located on the forecourt canopy stanchions together with banners affixed to the fence on the south eastern boundary.

THE SITE AND ITS LOCATION

The application site relates to an existing petrol filling station and vehicle repair workshop that have currently undergone significant improvement works within the village of Cubbington.

The character of the area is defined by predominantly residential uses with a small number of other uses within the vicinity.

PLANNING HISTORY

W/16/0088 - Redevelopment of existing petrol filling station and garage/workshop to provide a new petrol filling station, vehicle workshop, MOT test centre and DIY jet wash bay along with associated ancillary facilities (revised scheme following planning permission no. W/14/1863). – GRANTED 16.03.2016

W/14/1863 - Redevelopment of existing petrol filling station and garage/workshop to provide new petrol filling station, MOT test centre, vehicle workshop and car wash valet housing along with associated ancillary facilities (revised scheme following planning permission no. W13/1157) – GRANTED 23.02.2015

W/13/1157 - Redevelopment of existing petrol filling station and garage/workshop to provide new petrol filling station, MOT test centre and vehicle workshop, along with associated ancillary facilities – GRANTED 25.10.2015

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)
- 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)

SUMMARY OF REPRESENTATIONS

Cubbington Parish Council: Object to this planning application on the following grounds:

- The proposed signage is garish and ugly.
- The proposed number of signs is over-bearing and bears no relation to what was there previously.
- The signs are not befitting of a village environment and are completely out of context.
- The signs will decimate the street scene.

- The signs will be completely out of character in terms of their appearance and there are no other businesses within the immediate area which have a similar plethora of signage.
- The signs will have an adverse effect on the residential amenity of neighbours by reason of light pollution.

WCC Highways - No objection subject to conditions.

Public Response -

A total of 5 letters of objection received on the following grounds;

- Too many signs and notices.
- Un-necessary duplication of signs
- Freestanding signs and susceptible to being blown over or vandalised
- Signs should not be within the public highway
- Out of character with a residential environment
- Lights are being left on all night.

Other matters regarding the operation of the site including parking of vehicles were also raised, however, the application can only consider the advertisements that need advertisement consent.

ASSESSMENT

Impact on visual amenity and the character and appearance of the local area

The site is a newly constructed petrol filling station site with additional workshop accommodation attached. The signs are already in situ and the site is operational following the redevelopment.

The majority of the signs indicated on the plan are small scale signs located on the forecourt of the petrol station and petrol pumps themselves. These signs, whilst numerous, are small scale and refer to the fuel pumps and types of fuel. Signs on the forecourt also advertise products available within the shop. Again, these signs are modest in scale and designed to 'tempt' motorists who are fuelling their vehicles rather than wider advertising in the local area. These signs are typical features on modern petrol filling stations and whilst numerous, the small scale nature of the signs is not considered to have a harmful impact on the visual amenity of the area.

A number of directional signs and information signs are also located on the site and these are small scale signs detailing access and egress together with facilities such as the car vacuum and tyre inflation equipment etc. and are not considered harmful to the visual amenity of the area.

A variety of banner signs attached to the fencing located on the site are also included with the application that advertise the products and services available on the site. Officers are of the view that these are not detrimental to the visual amenity of the area to warrant the refusal of the application.

The key elements of this proposal are the internal illuminated totem sign, canopy sign and the shop front sign. Again, these are common features with

any modern petrol filling station and their positioning on this site represents a level of visual harm that would not have significant detrimental harm to the amenity of the area.

Concern has been raised by local residents regarding the visual harm due to the proliferation of signs at the site. However, the level of signage is not out of character for a typical petrol filling station, nor are number or type of signs excessive or visually harmful in this location.

Proposed lighting can be minimised through the use of appropriate conditions.

A number of other temporary signs have been referenced by neighbouring residents such as free standing signs and signs attached to vehicles etc. These elements are not covered by the Advertisement Regulations as they do not need consent and as such cannot be considered under this application.

Impact on Public Safety

The County Highways Officer has assessed the proposal and no objection is raised on highway safety grounds subject to conditions/notes on the location and illumination of the signs. No other public safety issues are identified.

Conclusion

The proposed works are considered to be acceptable in terms of the impact on the local street scene in this location. The various signs on the forecourt and the shop building are considered to be acceptable and would not result in any significant detrimental impact on the visual amenity of local area or the amenity of adjacent properties subject to conditions on the hours of illumination. The proposed signage is not therefore detrimental to highway safety.

CONDITIONS

- 6 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 6329-SLP, 6572/SITEADV, 6572/SIGNS and Compton-Design Document, and specification contained therein, submitted on 12 December 2016. **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.
- 7 The signs hereby permitted shall be illuminated only during the trading hours of the petrol filling station and shall not be illuminated at any other time. **REASON:** In the interest of visual amenity in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 8 The signs hereby permitted shall be installed in such a way that glare shall not be created upon the public highway by the lighting sources for the signs. The signs should not obstruct visibility splays and should not be located within the highway extent. **REASON:** In the interest of highway safety.

Planning Committee: 28 March 2017

Item Number: 8

Application No: [W 17 / 0185](#)

Registration Date: 03/02/17

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

Expiry Date: 31/03/17

Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Fuelwood Ltd, Claywood, Clattyland Lane, Beausale, Warwick, CV35 7AF

Erection of storage and workshop building. FOR Fuelwood (Warwick) Ltd

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

RECOMMENDATION

That planning permission is REFUSED.

DETAILS OF THE DEVELOPMENT

The proposal is for the construction of a new building for storage purposes in association with the existing business operating from the site.

The building is located to the rear of the site adjacent to the existing buildings and against the backdrop of Clattylands Wood.

The building is to be of steel framed construction with a combination of blockwork and profiled steel cladding to the walls under a fibre cement roof.

The overall size of the building is 20m x 10m with an eaves height of 5.2m and a ridge height of 6.2m.

THE SITE AND ITS LOCATION

The site is an existing business operation located in a rural location. The site lies adjacent to Clattyland Woods, an area of replanted ancient woodland.

The site is set back from the public highway and served by a good quality access drive serving the application property and a residential dwelling known as Claywood.

The site consists of a range of existing buildings of varying size and design together with areas of hardstanding currently used as external storage areas.

The site lies within the West Midlands Green Belt.

PLANNING HISTORY

W/08/0664/AG - Erection of covered store for timber chips and logs –
Agricultural Notification Granted 04.06.2008

W/06/0195 - Erection of extension to existing workshop and new office building –
Granted 29.03.2006

W/95/1096 – Siting of a portable building for administration for the sale of forest
machinery – Withdrawn 08.11.1993

W/91/1057 – Siting of a portable building for administration for the sale and
demonstration of forest machinery and the training of personnel - Granted
29.10.1991

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)
- 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)
- 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)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft
April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft
April 2014)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft
April 2014)

SUMMARY OF REPRESENTATIONS

Councillor Sue Gallagher: As the Ward Councillor, I fully support the application.

WCC Ecology: Recommend LWS Survey. Consideration should be given to tree protection.

WCC Highways: No objection.

WCC Landscape: No objection. Would seek tree protection measures. Some concern about cumulative impact of development.

Beausale, Haseley, Honiley & Wroxall Parish Council: The Council Supports the application. Councillors felt it was of economic value to the community, securing local employment opportunities, and had minimal impact on the Green Belt.

Public Response

1 letter of general support received from neighbouring property.

ASSESSMENT

Whether the development is appropriate development within the Green Belt

The site lies within a rural location within the West Midlands Green Belt. The development is for a new building to support an existing rural business operating from the site.

Paragraph 89 of the NPPF sets out the forms of development that are defined as appropriate development within the Green Belt. These are;

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- 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.

Whilst the development has some links with forestry, the main focus of the business operating from the site is a commercial activity and the building cannot be defined as being 'for forestry' use for the purposes of Green Belt policy insofar as the building proposed is for storage of machinery, which will be stored for the purposes of sale or repair.

The applicant suggests that the development is in accordance with the 5th Bullet Point of Paragraph 89 insofar as the development is on a previously developed site and the development would not have a greater impact on the openness of the Green Belt.

The supporting statement sets out the history of the site and the operation of the current business on the site. The supporting statement also sets out how the business has expanded and identifies the additional needs of the business. The statement also states how the proposal is considered to be appropriate development insofar as the proposed building does not have an impact on the openness of the Green Belt as defined under the 5th Bullet Point of Paragraph 89.

Whilst it is acknowledged that the site is well screened, Officers are of the opinion that the development would result in some encroachment onto an area of currently open land with a new building of 200m² with a ridge height of 6.2m. On this basis, it is concluded that the development does not comply with the 5th Bullet Point of Paragraph 89.

On the basis of the above, Officers consider that the development is not appropriate development within the West Midlands Green Belt and by definition is therefore inappropriate development.

Whether there are Very Special Circumstances to support the development

Whilst the agent contends that the development is appropriate development, they have also put forward Very Special Circumstances in support of the application. Paragraph 88 of the NPPF states that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

In summary, the Very Special Circumstances put forward are;

- That the harm is by virtue of inappropriateness with no other harm
- There is no harm to highway safety, flooding, drainage, neighbour amenity, ecology or the character and appearance of the locality.
- The development will support an existing business operating from the site.
- The development will benefit Clattylands Wood and the people that work on the site.
- The development will provide added security for the operation of the business as existing buildings are at capacity.

- The development allows for the consolidation of the business operations on the site minimising the need to travel from other sites.
- Rural enterprise is supported under Paragraph 28 of the NPPF.

Additional support has been provided by the Parish Council who have cited that increased employment opportunities would also be apparent should planning permission be granted for this development and this would add economic value to the local community.

Balancing Exercise

In assessing the points put forwards, it is appropriate to consider each point raised in turn.

It is noted that the applicants contend that the harm is by virtue of inappropriateness only with no other harm. Officers are of the opinion that the provision of a building with a footprint of 200sq metres and an overall height of 6.2 metres will have some detrimental impact on the openness of the Green Belt in this location.

The other planning considerations are assessed later in this report but it is contended that these matters are normal planning considerations for any application and cannot therefore be attributed as Very Special Circumstances.

The support for the business is clearly acknowledged and having visited the site, Officers have noted that there is a need for additional storage on the site. However, there has been no demonstration that all alternative solutions for additional storage have been exhausted and additional storage capacity would not amount to a Very Special Circumstance in its own right.

The maintenance and stewardship of Clattyland Wood is not a direct benefit of this proposal that seeks additional space for storage and workshop facilities. Officers therefore do not attribute this as a direct benefit to the woodland area and this is therefore not considered to be a Very Special Circumstance.

Increased security is a clear benefit of the building insofar as it negates the need to store machinery outside in this rural area. This is a circumstance that could be provided by other means such as CCTV, added site security measures at the access point, the use of security patrols etc and would not amount to a Very Special Circumstance.

In balancing the circumstances put forward, Officers clearly acknowledge the benefits of the building. Whilst there are clearly benefits to providing a new building in this location, the harm by virtue of inappropriateness and the impact to the openness of the Green Belt would, in Officers opinion, not result in Very Special Circumstances to outweigh the identified harm.

I have also considered the reference to employment opportunities as identified by the Parish Council. I note that the increase in building space does not directly attribute to increased employment as it is for storage and workshop purposes.

The submitted application form does not make reference to any increase in staffing levels as a result of this proposal. In this respect, whilst there may be some indirect benefit to the building in terms of job retention, I do not consider that the building will have any direct impact on employment opportunities.

I have considered the circumstances put forwards and whilst I acknowledge that they are relevant to the business operating on the site, the circumstances put forwards do not amount to Very Special Circumstances.

In conclusion, Officers do not consider that Very Special Circumstances have been demonstrated to meet the test of Paragraph 88 and therefore the development is inappropriate development within the West Midlands Green Belt.

Impact on character of surrounding area

The building is proposed to be located to the rear of the site and set in close proximity to the existing buildings on the site. Whilst the area is currently open land, the new building would be read in the context of the existing buildings, albeit further back on the site. The building is a typical modern steel framed building with profiled metal sheet walls over blockwork under a fibre cement roof.

The site is screened from wider public views by the existing woodland area to the rear of the site and the location of the building is such, that views from the public highway to the frontage are also limited.

On this basis, Officers are satisfied that the development would not have a detrimental impact on the character of the surrounding area.

Impact on adjacent properties

The proposed building would lie to the rear of the application site. There is an existing residential property located to the front of the site, adjacent to the existing access drive. By virtue of the separation distance, Officers are satisfied that the proposed development would not have any significant detrimental impact on the amenity of the neighbouring property nor would the development introduce an increase of traffic using the access drive that could result in harm to the amenity of the neighbouring property through noise or disturbance.

Access and Parking

The proposal does not require any changes to the existing access to the highway. The area is away from the main parking and turning area associated with the site and does not result in any change to parking requirements.

Officers are satisfied that the development would not have any detrimental impact on the highway safety, access or parking.

Energy Efficiency / CO2 reduction

No energy statement was submitted with the planning application. However, Officers are satisfied that adequate details could be secured through the use of an appropriate planning condition.

Other Matters

Ecology and Trees/Hedgerows

The sites lies within an area designated as a potential Local Wildlife Site (pLWS). The County Ecologist has assessed the proposal and notes that the development does not appear to impact on any ecological features although there may be the potential harm to root protection areas of existing trees.

Officers are satisfied that there is sufficient separation distance to allow the construction of the building without harm to the trees and tree protection measures could be secured by condition.

A request has been made for a Local Wildlife Site Survey to be carried out. However, in this location and the already acknowledged minimal potential for wildlife is present, Officers do not consider it necessary to request a survey.

Conclusion

The proposed development for a new building within the Green Belt has been considered. The proposal does not fall within any of categories identified within Paragraph 89 of the NPPF as being defined as appropriate development and is therefore by definition, inappropriate development within the Green Belt. No Very Special Circumstances have been submitted that would override the inappropriateness of the development as defined by Paragraph 88 of the NPPF.

Officers are satisfied that the development would not result in any harm to the character of the area, the amenity of neighbouring properties, highway safety or ecological matters.

REFUSAL REASONS

- 1 The application property is within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national policy guidance contained in the NPPF.

Paragraph 89 of the NPPF states that new buildings in the Green Belt are not inappropriate provided that they are within the categories defined as being appropriate development within the Green Belt.

In the opinion of the Local Planning Authority, the proposed building does not fall within any of the categories that constitute appropriate development within the Green Belt.

The proposal is considered to be harmful by definition and is contrary to the NPPF. No very special circumstances have been presented which are considered to outweigh the harm identified.

Planning Committee: 28 March 2017

Item Number: 9

Application No: [W/17/0264](#)

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

Registration Date: 15/02/17

Expiry Date: 12/04/17

01926 456527 dan.charles@warwickdc.gov.uk

46 Warwick Street, Leamington Spa, CV32 5JS

Change of use from Retail (Class A1) to Gym (Class D2) FOR Mr M Lasebikan

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

RECOMMENDATION

Planning Committee is recommended to refuse planning permission for the reasons listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks the change of use of the premises from an existing retail shop (Use Class A1) to a gym (Use Class D2).

There are no external alterations required and only minor internal changes to the building area proposed.

THE SITE AND ITS LOCATION

The site lies in a location identified as a secondary retail area within Leamington Spa Town Centre.

The site is an existing retail premises within a row of mixed uses within the A1 to A4 Use Classes.

The site lies within the Royal Leamington Spa Conservation Area.

PLANNING HISTORY

W/16/2022 - Change of use from Retail (Class A1) to Gym (Class D2) – Refused 14.02.2017

W/16/2023 – Installation of replacement signage – Refused 14.02.2017

W/16/1508 – Conversion of first floor to 8 bedrooms with communal kitchens/lounges – Withdrawn – 11.11.2016

W/16/0694 - Change of use of first and second floors to a 10 bedroom house in multiple occupation; installation of new and enlarged windows in the front and

rear elevations; installation of front dormer windows; installation of guard rails and GRP hoods to first floor windows; and installation of new side entrance door – Refused 08.07.2016

W/15/1060 - Proposed change of use of ground and first floors from Class A1 (retail) to Class A3 (restaurant) together with external ductwork extraction – Refused – 20.08.2015.

W/15/0126 - Proposed change of use of ground and first floors from Class A1 (retail) to Class A3 (restaurant) – Refused 18.03.2015

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)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- TCP5 - Secondary Retail Areas (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)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC7 - Secondary Retail Areas (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)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection

Councillor Jane Knight: Acknowledge concerns around Policy TCP5 but I am convinced circumstances have changed because of the retail focus in the town.

KEY ISSUES

Principle of Development

The application site is within a designated secondary retail area whereby Policy TCP5 in the Local Plan states:

"Changes of use from shops (Used Class A1) to financial and professional services (Use Class A2); restaurants and cafes (Use Class A3); drinking establishments (Use Class A4) or hot food take-aways (Use Class A5) within the secondary retail areas will be permitted unless:-

- a) more than 50% of the total length of the street frontage is in non A1 (retail) use; or
- b) the proposal consists of, or would contribute to creating a continuous non A1 (retail) frontage of more than 16 m.

In terms of part (a) of the policy, the percentage of this street frontage in non-A1 use is currently 60%. The change of use of the application property to a further non-A1 use would increase this figure to approximately 73%.

When assessed against part (b) of the policy, the change of use of this unit to a non-A1 use would be in breach of this requirement. When taken in conjunction with the flanking properties currently known as Habana (Use Class A3) and The Duke (Use Class A4) together with the Solicitors office (Use Class A2) adjacent to The Duke, the continuous non-A1 frontage would be approximately 35 metres. This is significantly in excess of the 16 metres stipulated within the policy.

For that reason, there is an objection in principle to the proposed change of use because the proposal does not meet the criteria set out in Policy TCP5 in the Local Plan.

The shop unit is currently a furniture shop and has been so for approximately 17 years. The shop is currently occupied and in operation. Evidence provided by the current occupier (who owns the premises) states that the premises is only operating as they are the owner of the premises and are liable for business rates. The occupier has stated that the premises currently only make enough income to cover the business rates and no salary is drawn from the business. As the site owner, the current business is not required to pay rent and the current turnover would not sustain rent payments together with the cost of business rates and other ongoing costs that are required for a viable business.

The agent has provided a Planning Statement that seeks to demonstrate that the Class A1 retail use is not viable and that there is support for an alternative use of this site within the town centre. In considering Policy TCP5, the agent states that it does not preclude D2 uses in the secondary retail area.

The Retail and Leisure Study Update 2014 states that retail uses in town centres face significant competition from other sources such as internet based shopping and secondary retail areas struggle to attract market interest and investment.

The Study also advocates the provision of additional Health and Fitness Uses within the District to meet rising demand for such facilities.

The NPPF also advocates the provision of sport and recreation facilities for the increase in health and wellbeing within towns and cities. The NPPF also acknowledges that Sport and Recreation facilities are appropriate in town centre locations.

In considering the evidence put forward by both the applicant and current occupier of the premises, Policy TCP5 does not preclude the provision of alternative uses but this is only where they would meet the two tests as stipulated by the Policy. In this location, the proposed change of use would be contrary to both points a) and b) of the policy insofar as the proposal would exceed the 50% non-A1 threshold and also the a continuous non-A1 frontage in excess of 16 metres.

In terms of alternatives uses, the Local Plan does not seek to resist these forms of development where locational policies are not compromised. In this location, within a secondary retail area of the town centre, the propose change of use would result in the loss of an A1 unit which would be harmful to the viability of the Town Centre and contrary to the provisions of Policy TCP5 in the Local Plan.

It is not considered that the considerations raised by the Applicant set out above are sufficient to outweigh Policy TCP5 in the Local Plan.

There have been no material changes in circumstances since the previous refusal of planning permission for the same proposal in February 2017.

Impact on the character of the area and Leamington Conservation Area

As no external changes are proposed, it is considered that the proposed change of use in itself would not result in unacceptable harm to the character or visual setting of the local area or Conservation Area. It is therefore considered that there would be no conflict with Policies DAP8 or DAP9 in the Local Plan.

Impact on the amenity of neighbouring properties

The application site is situated between two, three storey buildings one of which comprises of residential use on the upper floors (above number 48 Warwick Street). In terms of impact on these residents, the Environmental Health Officer has considered the proposed use and no objection has been raised to the proposed use, subject to the imposition of conditions placing a limit on the noise associated with air conditioning units.

Impact on highway safety/parking

There are no off-street parking facilities associated with this unit. Under the Council's adopted Vehicle Parking Standards SPD, the requirements for a Class A1 retail use within a high accessibility zone is one space per 50 square metres giving a total requirement for this property of 6 spaces. A D2 use in a high accessibility zone requires 1 space per 20 square metres which would equate to approximately 14 spaces.

The proposed use would have a higher demand for parking than the existing use, however, this site is within a highly sustainable town centre location which provides adequate parking facilities within local car parks together with available on-street parking in the evenings. The type of use proposed as a small scale gym would be attended by pedestrian traffic in this location.

The County Highways Officer has considered the scheme and raised no objection to the proposed development on highway safety grounds.

Therefore it is considered that there would be no conflict with the vehicle parking standards or to the objectives of Policy DP8 in the Local Plan.

Renewables

The proposed use would not result in a material increase in the energy demand of the building such as to justify a requirement for renewables/ fabric first approach in accordance with Policy DP13 and the associated SPD.

Summary/Conclusion

The principle of development does not comply with Policy TCP5 insofar as it proposes the loss of an A1 use within a Secondary Retail Area of Leamington Spa town centre and insufficient justification has been provided to override the in-principle objection to the development. The proposal would thereby result in material harm to the vitality and viability of the town centre.

REFUSAL REASON

- 1 The proposed change of use would result in the introduction of a further non-A1 retail use within a secondary retail frontage within the Royal Leamington Spa town centre, resulting in an inappropriate mix and balance of uses within that frontage to the detriment of the vitality and viability of that town centre, contrary to the following national and local plan policies:

- The National Planning Policy Framework

The Warwick District Local Plan 1996-2011

- Policy TCP5 - Secondary Retail Areas

The emerging Warwick District Local Plan 2011-2029 (Publication Draft April 2014)

- Policy TC7 - Secondary Retail Areas

Planning Committee: 28 March 2017

Item Number: **10**

Application No: [W 17 / 0288](#)

Town/Parish Council: Warwick
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 17/02/17

Expiry Date: 19/05/17

Former printworks, Theatre Street/Bowling Green Street, Warwick, CV34 4DR

Variation of conditions 4, 5, 8 and 10 of planning permission W/16/0496 to include the words "excluding any works of demolition" after "development". Variation of condition 7 to apply a phased strategy and to allow for demolition works. Variation of condition 11 to read "excluding any works of demolition" instead of "including any works of demolition". FOR Waterloo Housing Group

The application is being presented to Planning Committee because the applicant has expressed the urgency in which a decision needs to be made regarding the proposal; unless a decision is made at the March Planning Committee meeting, the funding for the project will be lost, making it not viable.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed below.

DETAILS OF THE DEVELOPMENT

The application relates to a previously approved scheme (W/16/0496) for the erection of 39 apartments with associated parking and open space (which was a revised application of W/14/0746, with 2no. additional apartments) following the demolition of the Warwick printing co. building and single storey building to Bowling Green Street and Market Street. The current application seeks permission for variation of the following conditions of application W/16/0496:

- Condition 4 - provision of large scale architectural details prior to commencement of works on site.
- Condition 5 - no development shall be carried out on site prior to the submission and approval of a contamination management plan.
- Condition 8 - no development shall be carried out on site prior to the submission and approval of drainage details.
- Condition 10 - no development shall be carried out on site prior to the submission and approval of hard and soft landscaping schemes.

It is proposed that the wording of the above conditions are amended, by adding the wording "excluding any works of demolition" after the word "development".

The proposal also seeks permission for variation of the following condition:

- Condition 7 - no development shall be carried out on site prior to the submission and approval of a programme of archaeological works.

It is proposed that the above condition is varied in order to allow for a phased strategy towards the development and would still include the provision of a programme of archaeological works. However, this would allow for demolition to commence immediately to works above ground level only.

Finally, the proposal seeks permission for variation of the following condition:

- Condition 11 - no development shall be carried out on site (including any works of demolition) prior to the submission and approval of a construction method statement.

It is proposed that the wording of the above condition is amended, from "*excluding* any works of demolition" to "*including* any works of demolition".

The above proposed variation to conditions 4, 5, 7, 8, 10 and 11 would allow the demolition works to start on site prior to the submission of the above information, which would then be required before the next phase of development.

The scheme remains the same as extant permission W/16/0496 and only seeks to alter the wording of the above conditions of that permission. It is therefore only these elements which are considered below.

THE SITE AND ITS LOCATION

The site relates to a non-listed three storey flat roofed building located within the designated Conservation Area on the eastern side of the road, opposite Linen Street. The area surrounding the building is primarily in residential use with shops and the Town Centre to the rear. Next to the site is an MOT testing garage.

RELEVANT PLANNING HISTORY

W/14/0746 - application approved by planning committee for the proposed erection of 37 affordable apartments, with 10 off street parking spaces with the remainder utilising Linen Street.

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)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- TCP9 - Protecting Employment Land and Buildings (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)
- TR4 - Parking (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)
- 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
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

WCC Archaeology: No objection, subject to specific wording of condition to allow for a phased strategy.

Health & Community Protection – Environmental Sustainability Section:
objection - land contamination - site needs further investigation to establish nature/extent of contamination on site, pollutant linkages to receptors off site (neighbours land occupiers affected?) and the remedial measures necessary to decontaminate the land and break routes of exposure for neighbours and future occupiers of the site.

ASSESSMENT

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

- Impact on Design and on Landscape and Heritage Assets
- Impact on Living Conditions of Nearby Dwellings
- Car Parking and Highway Safety
- Drainage
- Archaeological Impact
- Health and Wellbeing

- Other Matters

Impact on Design and on Landscape and Heritage Assets

The design of the scheme and impact on the wider area was considered acceptable under the original application. Varying the wording of condition 4 (in relation to the submission of large scale architectural details) and condition 10 (in relation to the submission of hard and soft landscaping schemes) to allow demolition of the existing buildings to be carried out would not affect the street scene, nor would it have a harmful impact on the Conservation Area.

The large scale architectural details and landscaping schemes would still be required prior to commencement of any of the construction works on site. Therefore, it is considered that the proposed variation of conditions 4 and 10 to allow demolition works to commence would not be harmful to the street scene or heritage assets, nor would it prejudice the submission of the details required by the conditions at a later stage.

Impact on Living Conditions of Nearby Dwellings

Further comments are awaited from Environmental Health in reference to conditions 5 and 11 which will be included in the Additional Information prior to the Planning Committee meeting.

Car Parking and Highway Safety

WCC Highways had no objection to application W/16/0469 in relation to parking and impact on highway safety. As none of the conditions under assessment of this application were requested by WCC Highways, it is considered that the proposal variations will have no impact on highway safety. Furthermore, no amendments are proposed to the car parking arrangement or site access.

Drainage

Condition 8 requires the submission of details in relation to drainage plans for the disposal of surface water and foul sewage. Varying the wording of this condition so that these details can be submitted after the demolition works (but before construction works commence) would not prejudice the proposed drainage scheme for the site. Therefore, varying the wording of condition 8 is considered to be acceptable.

Archaeological Impact

WCC Archaeology have been consulted regarding the proposed variation of condition 7 which relates to provision of a programme of archaeological works. As the scope of archaeological works remain the same, they have no objection to the proposed amendment to condition 7. WCC Archaeology have also recommended alternative wording for condition 7 as this sets out a phased strategy more clearly in order to deal with archaeological deposits which may be found across the site, which is now considered more appropriate than the original wording.

The applicant confirmed that they would be prepared to accept the alternative wording for condition 7 and therefore, it is considered that there would be no harm caused to items of archaeological importance as a result of the proposed development.

Health and Wellbeing

The proposal will still provide 39 affordable units and therefore, the health and wellbeing benefits will not be affected by the proposed variation of conditions.

Other Matters

Further comments are awaited from Environmental Health in reference to conditions 5 and 11 which will be included in the Additional Information prior to the Planning Committee meeting.

CONCLUSION

Subject to further comments from Environmental Health, the proposed variation of conditions 4, 5, 7, 8, 10 and 11 to allow for demolition works to be carried out on site prior to the submission of the details associated with these conditions would not be harmful to the wider area, neighbouring uses, or items of archaeological importance. All of the details associated with these conditions can be submitted after the demolition works have been completed and prior to commencement of the construction works. Therefore, the application should be approved.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from 25 May 2016 (the date of the original permission).
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 050; 051; 052, 053 Rev B, 054 Rev A and 100 and specification contained therein, submitted on 17 March 2016 and 19 May 2016. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 No development, excluding any works of demolition, shall be carried out on the site which is the subject of this permission, until large scale

details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

5 The development, excluding any works of demolition, hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of contamination within the application site that has been undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been submitted to and approved in writing by the local planning authority. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

7 No development excluding any works of demolition down to the existing current ground levels only shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the LPA and:

b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken and a report detailing the results shall be submitted to the planning authority and:

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

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **REASON:** To ensure that any archaeological remains are recorded in accordance with Policy DP4 in the Warwick District Local Plan 1996-2011.

- 8 The development, excluding any works of demolition, hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. **REASON:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 9 Prior to the first occupation of the development hereby permitted, the building shall be insulated in strict accordance with a scheme of works which have been submitted to and approved in writing by the local planning authority and thereafter such works shall not be removed or altered in any way. **REASON:** To ensure that the level of external noise is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of the apartments, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 10 The development, excluding any works of demolition, 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 any 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.
- 11 The development (excluding any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. The approved statement shall be strictly adhered to

throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

- 12 None of the apartments hereby permitted shall be occupied unless and until the car parking provision has been constructed and laid out, and made available for use by the occupants and thereafter those spaces shall be retained for parking purposes. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011.
- 13 The development hereby permitted shall not be occupied unless appropriate off street car parking facilities have been provided. These parking facilities shall be kept free for the parking of vehicles for the duration of the occupation of the development hereby permitted. **REASON:** To ensure that there is adequate parking is available, in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011.
- 14 The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 15 The gradient of the access for vehicles to the site shall not be steeper than 1 in 15 at any point 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. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 16 The access to the site for vehicles shall not be used in connection with the development until they have been surfaced with a suitable bound material for a distance of at least 15 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.

- 17 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 18 No Gates/barriers/doors shall be erected at the entrance to the site for vehicles/heavy goods vehicles. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 19 The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 20 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 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.
- 21 The development hereby permitted shall include the provision of additional pedestrian footways to be located within the area hatched black within the site as identified on the plan number 050 attached to this decision in accordance with a scheme which has been submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. **REASON:** In the interests of pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996 - 2011.
- 22 The hereby approved affordable housing shall be provided in accordance with the approved scheme and shall be retained as such at all times thereafter and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. **REASON:** Since planning permission has only been granted for residential development on this employment site on the grounds that the development is for 100% affordable housing, in accordance with Policies SC1, SC2 & SC11 of the Warwick District Local Plan 1996-2011.

Planning Committee: 28 March 2017

Item Number: 11

Application No: [W/17/0291](#)

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

Registration Date: 01/03/17

Expiry Date: 26/04/17

01926 456539 emma.spandley@warwickdc.gov.uk

11 Lee Road, Leamington Spa, CV31 3JG

Change of use from a single dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4). FOR Mr S Majhu

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes the change of use of the existing property from a single dwellinghouse (Use Class C3) to a small scale House in Multiple Occupation (HMO) (Use Class C4).

PLANNING HISTORY

W/04/1253 - Erection of a first floor rear extension, granted 27th August 2004.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H6 - Houses in Multiple Occupation and Student Accommodation (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)

- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection

Private Sector Housing: No objection.

Waste Management: No objection

Public Response: 12 letters of objection have been received on grounds that there are enough HMOs in the area, noise and disturbance, parking, the loss of a family home and erosion of the character of the area.

Assessment

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

- whether the proposals would cause or add to a harmful over-concentration of student accommodation in this area;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the Conservation Area;
- car parking and highway safety;
- renewable energy requirement.

Issue 1: Whether the proposals would cause a harmful over-concentration of student accommodation in this area

In terms of national policy, Paragraph 50 of the National Planning Policy Framework (NPPF) requires the Council to plan to create inclusive and mixed communities. Meanwhile, Paragraph 58 requires the Council to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Adopted Local Plan Policy DP2 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

Emerging Policy H6 (to which significant weight has been attached by Inspectors in recent appeal cases) is consistent with several core principles of the NPPF; planning should be plan-led, empowering local people; seek to ensure a good standard of amenity for all; taking into account the different roles and character of different areas. On this basis, Policy H6 attracts significant weight in the determination of this application.

Policy H6 states that planning permission will only be granted for Houses in Multiple Occupation where:-

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;

- b) the application site is within 400 metres walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMO's;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e) adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

H6 Assessment

- a) There are 10 HMOs within a 100 metre radius of the application site.

The existing HMOs are located at:-

- 116 Bury Road
- 3, 18, 32 & 34 Lee Road
- 11, 13, 16, 18, Swadling Street.

The existing concentration of HMOs as a percentage of the total residential properties within 100 metre radius of the application site is 8%. If the proposed HMO is approved it would increase to a 9% concentration. The proposal therefore does not exceed a 10% concentration within a 100 metre radius.

- b) The nearest bus stops are located on at the Railway Station in Flavel Crescent and on Queensway, which are all within a 400 metre walking distance (not how the crow flies) from the application site.
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMO's;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e) while bin storage is not specifically shown on any of the drawings, the application property is a semi detached dwelling which has side access to the rear garden. It is considered that the bin storage element would reasonably be located to the side/ rear of the property.

While the objections received from local residents are noted, the proposed HMO accords with the HMO Policy and it is concluded that the proposal would not lead to an over-concentration of HMOs within the locality.

Issue 2: The impact on the amenity of the area and living conditions of local residents.

Policy DP2 of the Warwick District Local Plan 1996 - 2011 and Policy BE3 of the Draft Local Plan 2014 state that development or changes of use will not be permitted which have an unacceptable impact on the occupiers of nearby users / residents. It has been highlighted above, that the concentration levels of HMOs within an area contribute to unacceptable disturbance from the residents of the HMOs by increase in night time noise and disturbance.

The property is located within a residential street where the existing HMO situation is at 8%. The proposed HMO will add 1 additional HMO to the area, however, an increase by 1% will not lead to an over concentration of HMOs and therefore will not have a material increase in levels of disturbance to the neighbouring properties.

Issue 3 Car parking and highway safety

Policy DP8 states that development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) *Vehicle Parking Standards* sets out Warwick District Council's detailed parking standards for developments.

Table 2 of the SPD requires HMOs to provide one car parking space per two bedrooms. However, a 3+ bedroomed house also requires 2 car parking spaces. The floor plans submitted show 4 bedrooms, which means that the proposal requires 2 car parking spaces. As the existing use only requires 2 car parking spaces there is no net increase in the requirement for car parking. On this basis, it is considered that the proposal will not cause detrimental harm to the free flow of traffic and highway safety or amenity.

Renewables

It is considered that the change of use from one type of residential use to another type of residential use will not result in a material increase in the energy requirements of the building and therefore there is no requirement for renewables in accordance with Policy DP13 and the associated SPD.

Summary/Conclusion

The addition of a HMO within this area will not lead to an unacceptable concentration of HMOs and therefore is considered acceptable in accordance with Policy H6 of the Draft Local Plan.

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 17397 - 01 Rev A and specification contained therein, submitted on 17th February 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.