

## **Planning Committee**

### **Tuesday 15 November 2022**

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 15 November 2022, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

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

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

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

### **Emergency Procedure**

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

### **Agenda**

#### **Part A – General**

#### **1. Apologies & Substitutes**

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

#### **2. Declarations of Interest**

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

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

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

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

### 3. **Site Visits**

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

### **Part B – Planning Applications**

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

4. **W/14/0681 – Land South of Gallows Hill/West of Europa Way, Warwick**  
**\*Major Application\*** (Pages 1 to 2)
5. **W/22/0316 – The Cats Pause, Three Wells, Haseley Knob, Haseley**  
(Pages 1 to 14)
6. **W/22/0367 - Clinton House, Old Warwick Road, Rowington** (Pages 1 to 11)
7. **W/22/1008 – 2 Chase Meadow Square, Narrow Hall Meadow, Warwick**  
(Pages 1 to 5)
8. **W/22/1203 - Stoneleigh Arms, 31 Clemens Street, Royal Leamington Spa,**  
(Pages 1 to 8)
9. **W/22/1250 – Oakley Grove School, Land at, Oakley Wood Road, Bishops Tachbrook**  
**\*Major Application\*** (Pages 1 to 18)

### **Part C – Other matters**

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

#### **Please note:**

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via

the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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

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**Planning Committee:** 15 November 2022

**Item Number: 4**

**Application No:** [W/14/0681](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

**Registration Date:** N/A

**Expiry Date:** N/A

### **Land South of Gallows Hill/West of Europa Way, Warwick**

Residential development up to a maximum of 450 dwellings: Provision of two points of access (on from Europa Way and one from Gallows Hill); Comprehensive green infrastructure and open spaces including potential children's play space; Potential footpaths and cycleways; Foul and surface water drainage infrastructure, including attenuation pond; Ancillary infrastructure and ground modelling. (Outline application including details of access)

FOR Gallagher Estates Ltd

### **Proposed Deed of Variation to the signed Section 106 Agreement**

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This application is being referred to Planning Committee due to the applicant seeking a change to one of the trigger points within the Section 106 Agreement relating to the delivery of Public Open Space.

### **RELEVANT POLICIES**

- National Planning Policy Framework

### **INTRODUCTION**

This report relates to outline planning permission ref: W/14/0681 which was allowed on appeal, subject to the signing of a Section 106 Agreement on 14 January 2016.

Since the granting of the outline planning permission, the relevant reserved matters applications have also been approved and the site is currently under construction.

The applicants have confirmed that due to the size of the scheme and the building route that is being implemented, they foresee that they will not be able to provide the areas of Public Open Space (POS) in the north-eastern section of the site prior to 50% occupation of the dwellings as set out in the s.106 agreement. The scheme is being built out in 4 quarters and the POS in the north-east parcel will now be delivered later than originally anticipated.

There have been delays in the construction programme caused by the pandemic. Health and safety of the public has also been taken into consideration in terms of the construction of these POS areas in close proximity to dwellings.

The applicant has therefore requested that the trigger point be amended from 50% to 75% occupation to deliver the area of POS to the north-eastern quarter of the site only.

This report seeks agreement from Planning Committee to enter into and complete a Supplementary Deed to incorporate the requested change into the Section 106 Agreement.

### **ASSESSMENT**

The revisions would deliver the same overall quantum of open space across the site as originally approved, however the trigger point for the area of Public Open Space to the north-eastern quarter only would be increased to 75% occupation. The remaining areas of open space to be delivered would remain at the original trigger point of 50% occupation. Therefore, the site would still provide open space for future occupiers as originally required within the Section 106 Agreement.

The revised trigger point has been considered by the Green Space Development Officer who has raised no objection to the revised trigger point being agreed.

### **CONCLUSION**

The revisions are not affected by the CIL regulations.

There would be no difference to the overall level of open space to be delivered through the Section 106 Agreement and the site would still benefit from open space to the other areas of the site at the agreed trigger point.

The changes have the agreement of the relevant consultee and it is considered reasonable to recommend approval of the variation.

The associated Legal costs in providing the Deed of Variation would be met by the applicants so there is no cost to the Local Planning Authority.

### **RECOMMENDATION**

That Committee approve the addition to allow the required change to be incorporated through a Deed of Variation to the Section 106 Agreement.

**Planning Committee:** 15 November 2022

**Item Number: 5**

**Application No:** [W 22 / 0316](#)

**Registration Date:** 04/05/22

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

**Expiry Date:** 29/06/22

**Case Officer:** Lucy Hammond  
01926 456534 [lucy.hammond@warwickdc.gov.uk](mailto:lucy.hammond@warwickdc.gov.uk)

**The Cats Pause, Three Wells, Haseley Knob, Haseley**

Demolition of existing buildings and conversion and extension of former stables  
to form 1no. dwelling FOR Semple

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This application is being presented to Planning Committee due to the number of objections received and the recommendation being one of approval.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the partial redevelopment of the site through the demolition of a number of existing buildings together with the conversion and extension of one brick built stable building to create one new dwelling. The proposed new dwelling is intended for occupation by the applicant who owns and operates the cattery business to the rear of the site in question and who currently resides in the host dwelling (Three Wells).

The proposal to convert the brick stable would involve the removal of an existing lean-to on its north side and the erection of a replacement extension of the same footprint on its south side. This would result in the addition of 1no. 1-bed dwelling.

**THE SITE AND ITS LOCATION**

The application site is within the identified village boundary of Haseley Knob; one of the Limited Infill Villages identified in Policy H1 of the Local Plan. The site is also washed over by the West Midlands Green Belt.

The site forms an area of land to the rear of the host dwelling (Three Wells) and its neighbouring properties which front the road through the settlement, Threeways. Access to the site lies to the north of the host dwelling and an existing track leading west, to the rear of the site, from where access is gained to both the

application site and the cattery business which sits further west of the host dwelling and the application site.

The 'U-shape' arrangement of structures to the west of the application site provide a number of enclosures that make up the existing cattery business, operated by the current occupier of the host dwelling who is proposing to move into the dwelling proposed by this application should permission be forthcoming. This business has been established at this site almost 25 years.

Within the application site edged red, there are a number of existing buildings. The majority are brick built, though there is a greenhouse amongst them. There is also a brick built stable building which has a lean-to on one side which forms the subject building for the proposed conversion to single dwelling. Some of the site is overgrown and there are existing boundary treatments in place which demarcate this site from the residential curtilage associated with the host dwelling to the east.

## **PLANNING HISTORY**

There is planning history covering the site and surrounding area which spans approximately 50 years, however there are no records specifically relevant to the application site edged red for the purposes of this planning application. Planning permission for the host dwelling is not relevant to the consideration of the proposals before Members at this time and as such have not been summarised in the report. It is relevant to note that the cattery business was approved in 1998 and the following year approval was given to remove the personal permission condition which restricted its use only to the named applicant (the current applicant now).

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- BE4 - Converting Rural Buildings
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- FW3 - Water Conservation
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)

- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Health & Community Protection - Environmental Sustainability:** No objection, subject to conditions

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

**WCC Ecology:** No objection, subject to conditions and advisory notes.

### **Public Response:**

5 objections received on the following grounds:

- the dwelling would constitute significant development on an already busy plot of land which is not in keeping with planning policies
- potential loss of natural light
- potential loss of privacy
- parking arrangements and adequacy of turning/loading need to be considered
- potential increase in noise and disturbance
- layout and density of the building appears constrained
- the proposed works represent a disproportionate addition to the original building
- this would be 'backland development' in contrast to the established ribbon development in the village
- concern regarding access and highway safety

Other non-material planning considerations were also raised, including connections to services, nearby development proposals, potential future development proposals at the site and a possible precedent being set by this development should it be approved.

3 support comments received on the following grounds:

- the proposals are modest and visually appropriate
- the development would enable a local family to stay in the area
- the development enables an established business of over 20 years to continue operating
- proposals seem in keeping with the local area

1 neutral comment received stating a preference for the air source heat pump to be located further from the boundary to reduce noise pollution and for the ridge height not to exceed the existing structure.



## **ASSESSMENT**

### Principle of development

The principle of development is threefold and is concerned with whether or not the development constitutes appropriate development in the Green Belt; whether the site is an appropriate location for the creation of new residential development and whether or not the proposals accord with the conversion of rural buildings policy.

Taking each element in turn:

### *Whether the proposal constitutes appropriate development in the Green Belt*

Policy DS18 of the Local Plan states that the Council will apply national planning policy to proposals within the Green Belt. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 149 states that the construction of new buildings will be regarded as inappropriate development in the Green Belt but lists exceptions which will not be considered inappropriate. The list includes at point (g) the limited infilling or *the partial or complete redevelopment of previously developed land*, [my emphasis] whether redundant or in continuing use (excluding temporary buildings) which would:

- Not have a greater impact on the openness of the Green Belt than the existing development; or
- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The application site forms part of the land associated with the cattery; the commercial use has operated for a number of years and the buildings scattered within the site have all had, at one time or another, a related use i.e. office for the business and/or storage. In view of the fact that four buildings/structures would be removed from the site, one existing building would remain and be converted together with an extension of a footprint no larger than an existing lean-to be removed and replaced, it is Officers' view that the proposed development would have no greater impact on the openness of the Green Belt than the existing development. Arguably it would result in less impact because the total footprint of built form on the site would be reduced. Officers are satisfied that the site constitutes previously developed land in accordance with the definition set out in the NPPF and to that end, the proposal to clear the majority of the site, retain only one building for conversion, and redevelop it for residential purposes would, in Officers' opinion, amount to appropriate development in the Green Belt in accordance with para.149(g) of the NPPF.

### *The location of the site for new residential development*

Policy H1 of the Local Plan sets out the locations across the district where new residential development will be considered acceptable in principle. H1(c) lists

within the boundaries of Growth Villages and Limited Infill Villages as listed in the policy and shown on the Policies Map. Haseley Knob is one such Limited Infill Village and the application site is located within the identified village boundary. To that end, the principle of new residential development is considered acceptable.

Having regard to the fact this is a Green Belt location, Officers note explanatory text 4.8 of Policy H1 where it lists the type and scale of development which will be considered appropriate (i.e., more restricted). It is worth noting there is a distinction to be drawn between "limited infill development" for which there is a separate Policy (H11) and where proposals would seek either the re-use of buildings and/or the redevelopment or partial redevelopment of previously developed land. Since this proposal fits within both of these considerations as set out above under the Green Belt heading, there is no requirement to assess this application as if it were "limited infill development" in its literal sense, i.e., under Policy H11. Simply, designation as a limited infill village implies this is deemed to be a sustainable location.

Given that this development involves both the re-use of a building and the partial redevelopment of previously developed land, officers are satisfied that it is acceptable in accordance with Policy H1.

#### *The re-use of rural buildings*

Policy BE4 states that the re-use and adaptation of existing rural buildings will be permitted subject to the following criteria:

- a) The building is of permanent and substantial construction.
- b) The condition of the building, its nature and location, make it suitable for re-use and adaptation.
- c) The proposed use or adaptation can be accommodated without extensive rebuilding or alterations to the external appearance of the building.
- d) The proposal retains and respects the special qualities and features of listed and other traditional rural buildings, and
- e) The appearance and setting of the building following conversion protects, and where possible enhances, the character and appearance of the countryside.

It is Officers' opinion that the proposal satisfies all but (c) above on the basis that an extension to the building does form part of the proposals for which permission is being sought. However, in reaching the view that the proposal remains acceptable in principle having regard to this policy as well as those others considered above, officers have had regard to the material fallback and realistic alternative that would result in the same development on the site. The site could be cleared in its entirety of all buildings and a new building proposed, exactly as per the proposed plans in this application, and this would be considered acceptable in principle owing to the Green Belt and housing policies set out above.

The proposal instead, seeks to retain and convert the brick built stable which is of permanent and substantial construction as Policy BE4 requires. Moreover, the proposed extension is in fact a slightly smaller footprint than that of the existing lean-to which sits to the north side of the stable building. By removing this aspect of the building and replacing broadly the same floor space (slightly smaller) but to

the south side in a more functional manner, the end result would be exactly the same as if the alternative route set out above were followed.

The condition of the building together with its nature and location make it suitable for re-use and adaptation, the existing stable is not listed, and its existing character would be retained and it is officers' opinion that the proposed conversion/extension would protect and enhance the character and appearance of the countryside.

Overall, the principle of development is considered to satisfy the provisions of Policy BE4.

#### Conclusion on the principle of development

Having regard to all of the above, it is considered that the proposal to clear all but the brick stable building from the site and redevelop it for the provision of a single dwelling, resulting from the stable's conversion, is acceptable in accordance with Policies H1 and BE4 which govern the location of new residential development as well as the conversion of rural buildings. Furthermore, the partial redevelopment of previously developed land as well as the re-use of a building providing it does harm the openness of the Green Belt or conflict with the purposes of including land within it constitutes appropriate development. The submission of very special circumstances is therefore not required.

Overall, the principle of development, in all respects as set out above, is acceptable subject to an assessment being made of the other relevant material planning considerations set out below.

#### Visual impact / character of area

Local Plan Policy BE1 requires new development to positively contribute to the character and quality of its environment through good layout and design. This is further supported through the Residential Design Guide SPD which provides a framework through which additional design principles are set out to ensure that high quality design is promoted, sensitive to, and in keeping with the area in which it is located.

Clearing the site of the remaining buildings and structures as well as all overgrown shrubs can only serve to visually improve the character and appearance of the site in its immediate context. That being said, the site does not contribute to the street scene or the public realm because it is located behind the residential development which fronts the road through the village. For the same reason, the building, once converted, would not be visible from the street scene. Nevertheless, the proposed conversion and extension has been assessed against the provisions of BE1 and it is Officers' opinion that the resulting development would not cause visual harm to the character and appearance of the immediate or wider surrounding area.

The extension, whilst proposed with a flat roof, would remain subservient in scale and mass terms to the original building whose overall height is taller. More modern materials are proposed including timber cladding and glazing and as such this would be read as an extension rather than attempting to echo the same design

characteristics of the original building. The stable would be retained in its original form, with only the creation of two new modest windows on its northern side. No other new openings or architecturally inappropriate features are proposed to be introduced into this otherwise simple brick stable and it is considered that overall, the development is visually acceptable and results in no harm.

For the above reasons I am therefore satisfied that the development is acceptable in this regard and as such accords with Policy BE1.

#### Impact on neighbouring / residential amenity

Local Plan Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. At the same time, the policy also requires development to provide acceptable standards of amenity for all future users and occupiers of the development.

The building already exists to the rear of 'Three Wells' and its neighbour to the north. It is therefore considered there can be no physical harm by reason of overbearing or loss of light. One small window is proposed in the rear (east) facing elevation of the new dwelling and the separation between the new dwelling and its two rear neighbours has been measured between 17m and 18m. The guidance in the Residential Design Guide SPD is noted; between single storey dwellings the requirement is 17m which increases to 22m between a two-storey dwelling. It is noted that the existing building backs onto a two-storey dwelling, while the extended (single storey) part would back onto a single storey dwelling. The minimum distances separation is therefore satisfied and having regard to the proposed design, it is not considered there would be any harmful overlooking facilitated between these properties.

In considering the proposed dwelling and the amenity for its future occupier(s) in relation to the adjacent use of land as a cattery, the Environmental Health Officer (EHO) has suggested that if the proposed dwelling was to be used as accommodation associated with the cattery business and a planning condition to this effect was imposed there would be no objections. There would however be some concern if the dwelling were to be occupied independently to the cattery business due to the potential for noise and/or odours which may lead to complaints against the cattery and harm to the amenity of the proposed dwelling.

During the course of the application, it has been clarified that the proposed dwelling would be occupied in association with the management/operation of the adjacent cattery. To that end, there are no objections from an environmental health point of view subject to an occupancy restriction being imposed on any forthcoming permission.

The proposed dwelling would provide 1-bed accommodation, the minimum garden size for which is 40sq.m. An area of approximately 32sq.m. is proposed immediately beside/to the front of the proposed dwelling, forming a courtyard style garden, however, there is a much greater area of additional land to the front of the building which sits between the dwelling and the adjacent cattery, which would all form part of the garden to the new dwelling and which, in total, would exceed

the minimum standard. Officers are therefore satisfied that there would be sufficient amenity for the proposed occupiers of the new dwelling.

For the above reasons I am therefore satisfied that the development is acceptable in this regard and as such accords with Policy BE3.

#### Access and parking / Highway safety

Local Plan Policy TR1 requires development to provide safe, suitable and attractive access routes for all road users, including drivers of motor vehicles as well as cyclists, pedestrians and public transport users.

Local Plan Policy TR3 requires development to make provision for parking which has regard to the location and accessibility of the site by means other than the private car, does not result in on-street car parking detrimental to highway safety; takes account of the parking needs of disabled car users, motorcyclists and cyclists; and takes account of the requirements of commercial vehicles. Moreover, development will be expected to comply with the parking stands set out in the most recent Parking SPD.

An existing access, serving the cattery business, would also serve the new dwelling which would be accessed via the same track which leads to the rear of the site. The County Highways Authority initially raised an objection to the application, not to the principle of development, but on the basis that there was insufficient information provided with the application to demonstrate that there was adequate turning space within the site. It was further noted that the parking was shown in tandem, and the visibility splays were not shown on the submitted plans.

Following the receipt of additional information addressing all of the above, the Highways Authority removed its objection and recommended conditions be attached to any forthcoming permission. These would require the provision of the necessary visibility splays as well as the provision of turning space within the site in accordance with the details shown on the plans.

The adopted Parking Standards SPD require the provision of one car parking space for a 1-bed dwelling. This is shown on the plans and the development therefore accords with the standards.

For the above reasons officers are therefore satisfied that the development would not result in any harm to highway safety, and it is therefore considered acceptable in accordance with Policies TR1 and TR3.

#### Impact on ecology / biodiversity

Local Plan Policy NE2 requires development not to have any adverse impact on protected, rare, endangered or priority species while policy NE3 states that new development will be permitted provided it protects, enhances and/or restores habitat biodiversity.

Supporting information in this regard was provided with the application which has been considered by the County Ecologist. The surveys and content therein are

considered satisfactory, and the Ecologist agrees with the recommendations set out within them. A number of conditions and advisory notes are recommended in the event permission is forthcoming to ensure that the measures set out in the survey recommendations are implemented accordingly and avoid any unnecessary or adverse impacts on features of ecological importance.

Having regard to the above and subject to the recommended conditions, officers are satisfied there would be no adverse impacts on protected species or biodiversity and accordingly the development complies with Policies NE2 and NE3.

#### Other matters

##### *Adapting to Climate Change/Air Quality Mitigation*

Policy CC1 seeks all new development to be resilient to and adapt to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

The proposal involves the conversion of an existing structure which places some limitations on the type of sustainable construction methods that can be implemented. Nonetheless, in order to secure the most sustainable form of construction and bearing in mind an element of the application proposes the construction of an extension, a condition is proposed to secure a suite of sustainable construction and sustainable energy measures to be secured for the proposed dwelling.

Officers therefore consider that the proposal accords with Policy CC1.

As the proposal relates to a new dwelling, the standard Low Emission Strategy condition is also proposed to ensure compliance with Policy NE5 and the Air Quality SPD.

Compliance with Policy FW3 in terms of water efficiency is to be secured by condition.

#### *Drainage*

Foul and surface water are proposed to be disposed of by connecting to the existing mains sewer however it is considered appropriate to require details of both surface water and foul drainage prior to the commencement of development through a suitably worded planning condition. The development is considered acceptable in this regard and in accordance with Policies FW1 and FW2.

#### *Other considerations raised by objectors*

Most of the points raised in objections received are covered under the relevant headings above, however it is noted that the principle of backland development as well as overdevelopment of the site were also raised. Officers do not consider the proposals amount to overdevelopment of the site when the application proposes

to remove a number of existing buildings and structures leaving only the brick stable which would form the subject of the conversion proposal. Moreover, having regard to its siting and location in relation to the existing built form in this part of the village, officers are satisfied that this does not constitute an inappropriate form of backland development because it proposes to re-use an existing building in its established position for which there is policy support in principle. Accepting this, for the reasons set out under the principle of development section of this report, in no way sets any precedent for other forms of development that may be proposed to the rear of ribbon development elsewhere.

## **Summary/Conclusion**

The principle of development, to remove all but one of the existing buildings and partially redevelop the site by converting a brick stable to one dwelling, constitutes appropriate development in the Green Belt. Furthermore, the location of the site accords with the housing policies of the Local Plan and the proposals are considered to accord with the principles of converting rural buildings. Overall, the principle of development is therefore considered acceptable.

It is considered there would be no resulting harm to the amenity of neighbouring dwellings and adequate standards of amenity are proposed for the future occupiers. There would be no detriment to highway safety, sufficient parking is proposed in line with the adopted standards, and there would be no harm to ecology/biodiversity. Subject to the imposition of suitable conditions as referred to above it is recommended that planning permission be approved.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 905-D5A-00-ZZ-DR-A-0102 Rev.P03, 905-D5A-00-ZZ-DR-A-0301 Rev.P03, 905-D5A-00-ZZ-DR-A-0401 Rev.P01, 905-D5A-00-ZZ-DR-A-0403 Rev.P01 and specification contained therein, submitted on 18 February 2022, approved drawing 905-D5A-00-ZZ-DR-A-0001 Rev.P02 and specification contained therein, submitted on 22 June 2022, approved drawing 905-D5A-00-ZZ-DR-A-0103 Re.P06 and specification contained therein, submitted on 24 August 2022 and approved drawing 905-D5A-00-ZZ-DR-A-0002 Rev.P01 and specification contained therein, submitted on 17 October 2022.  
**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance,

preparation works, or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include:

- a) How the development will reduce carbon emissions and utilise renewable energy,
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures,
- c) Details of the building envelope (including U/R values and air tightness),
- d) How the proposed materials respond in terms of embodied carbon,
- e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

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

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

- 4 No development shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of



the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 6 The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of and supervision of works, toolbox talk, replacement roost details for the identified roost proposed for destruction, additional roosting features for crevice dwelling bats within the new replacement dwelling including timescale for installation, monitoring, licensing details, and further survey work if deemed necessary) has been completed in consultation with a suitably qualified bat worker and submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full and maintained in perpetuity. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.0
- 7 No part of the development hereby permitted shall be commenced, until a scheme for the provision of 3 nest boxes for birds to be erected on buildings/trees within the site has been submitted and approved in writing by the Local Planning Authority. The scheme shall include details of box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **Reason:** To enhance the nature conservation value of the site in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029.
- 8 The development hereby permitted shall not be occupied unless and until all other buildings and structures have been cleared and permanently removed from the site as shown on approved drawing 905-D5A-00-ZZ-DR-A-0102 Rev.P03. **Reason:** To define the terms of the planning permission, to enable appropriate development in and to preserve the openness of the Green Belt in accordance with Policy DS18 of the Warwick District Local Plan 2011-2029 and the NPPF.
- 9 Prior to the occupation of the dwelling hereby permitted, one 16amp (minimum) electric vehicle recharging point shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging

point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

- 10 The development hereby permitted shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of **2.4** metres and 'y' distances of **33.0** metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety having regard to Policy TR1 of the Warwick District Local Plan 2011-2029.
- 11 The development hereby permitted shall not be occupied until space has been provided within the site for the parking and turning of vehicles in accordance with details indicated on submitted plan number 905-D5A-00-ZZ-DR-A-0103 Rev.P06. Thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.
- 12 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.
- 13 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the facade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). 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 ensure that

the level of noise emanating from the proposed air source heat pump is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 14 The occupation of the dwelling hereby permitted shall be restricted to a person or persons associated with the management/operation of the adjacent cattery. For the avoidance of doubt such persons shall include a spouse, partner, widow or widower of such a person, and any dependants who reside with such a person. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise and/or odours arising from the cattery business in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.
- 15 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 development shall take place which falls within Part 1, Classes A, AA, B, C, D, E, G and H, Part 2, Classes A, B and C and Part 14, Classes A, C, D, E, F, G, H and I of this Order. **Reason:** Due to the particular character of the area and nature of the proposals which relate to the conversion of a rural building, it is considered necessary to ensure that no further development is carried out which would detract from the character and appearance of the rural building and the surrounding area in accordance with Policies BE1 and BE4 of the Warwick District Local Plan 2011-2029.
-

**Application No:** [W 22 / 0367](#)

**Town/Parish Council:** Rowington  
**Case Officer:** Jonathan Gentry

**Registration Date:** 08/03/22

**Expiry Date:** 03/05/22

01926 456541 [jonathan.gentry@warwickdc.gov.uk](mailto:jonathan.gentry@warwickdc.gov.uk)

**Clinton House, Old Warwick Road, Rowington, Warwick, CV35 7BT**

Proposed erection of single storey dwelling. FOR Mr & Mrs Joyce

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

**RECOMMENDATION**

Members are recommended to refuse the application for the reasons set out in this report.

**DETAILS OF THE DEVELOPMENT**

Planning consent is sought for the erection of a single storey dwelling to the east of the existing property within its current garden area. The scale, design, and position of the proposed dwelling mirrors that of the proposed incidental outbuilding deemed Permitted Development under Lawful Development Certificate application W/20/2085.

**THE SITE AND ITS LOCATION**

The application site relates to a detached property set within sizable grounds, sited to the northeast of Old Warwick Road to the east of the small settlement of Kingswood. The site forms one of a small number of loosely positioned properties that front onto this section of the Old Warwick Road. The Navigation Inn forms the adjacent site to the west of Clinton House, separated by a distance of approximately 60m from the existing dwelling, much of which is occupied by the large open parking area serving the Public House. The nearest neighbouring site to the east is that of Clinton Mews, a property set considerably further rearward from the highway and accessed via a private track that abuts the eastern boundary of the application site. Only one property lies directly opposite the application site, Manor House. The site is however washed over by the Green Belt.

**PLANNING HISTORY**

W/15/0110 - Erection of single storey rear extension to kitchen and adjoining single storey side extension to provide boot room - Granted

W/17/1423 - Outline application with all matters reserved except for access, for the erection of 1no. single storey dwellinghouse – Refused, Dismissed at appeal.

W/19/1040 - Application for a Lawful Development Certificate for proposed erection of single storey outbuilding – Withdrawn

W/20/2085 - Application for a Lawful Development Certificate for a Proposed Single storey outbuilding - Granted

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### Warwick District Local Plan 2011-2029

- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- H1 - Directing New Housing
- FW3 - Water Conservation
- CC1 - Planning for Climate Change Adaptation
- H15 - Custom and Self-Build Housing Provision
- H11 - Limited Village Infill Housing Development in the Green Belt

#### Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)

### **SUMMARY OF REPRESENTATIONS**

**Rowington Parish Council** - Members support the application.

**WCC Highways** - No objection.

**WCC Ecological Services** - Object on the basis that insufficient information to demonstrate appropriate preservation of protected species has been provided.

**WCC Landscape Team** - Recommend condition to secure landscape scheme for replacement of trees to be removed.

**Public Response** - One neighbour comment received, citing concerns regarding the impact of the development on the Green Belt, and highlighting previous planning determinations on the site.

## **ASSESSMENT**

### The Principle of Development

The adopted Warwick District Local Plan 2011-2029 has a settlement hierarchy for the location of new housing to encourage sustainable patterns of development. Under Policy H1 housing sites have been identified and allocated. Policy H1 directs new housing to sites which meet the following criteria:

- a) Within the Urban Areas
- b) Within the allocated housing sites at Kings Hill Lane and Westwood Heath
- c) Within the boundaries of Growth Villages and Limited Infill Villages
- d) in the open countryside, subject to the following limitations:
  - 1. The site is adjacent to the boundary of the urban area or a growth village, and
  - 2. There is an identified housing need to which the proposed development can contribute, and
  - 3. The proposal is for a small scale development that will not have a negative impact on the character of the settlement and the capacity of infrastructure and services within the settlement, and
  - 4. The proposal is within a reasonable safe walking distance of services (such as school and shop) or is within reasonable safe walking distance of a public transport interchange providing access by public transport to services, and
  - 5. The proposal will not adversely affect environmental assets (including areas of ecological value, areas of high landscape value and designated heritage assets) unless these can be suitably mitigated in line with other policies in the Plan.

And finally,

- e) Elsewhere within the open countryside, subject to meeting one of the noted forms of development.

The application site is positioned within relative proximity to the Growth Village boundary of Kingswood, which follows the clearly defined feature of the Grand Union Canal, approximately 100m to the west of the application site at its closest point. Given that the application site falls clearly outside of the designated Growth Village Boundary, it is considered that for the purposes of the development plan, the site falls within the open countryside. While information submitted in support of the application seeks to establish that the site falls functionally within the village of Kingswood, for the purposes of Policy H1 the site can only be considered to fall within the open countryside.

As a result, only circumstances d) and e) of H1 are considered relevant to the proposed development. In this case, the proposed dwelling would not meet any of the specific forms of development defined under section e). It would not comprise

affordable housing, is not for a rural worker, does not relate to a heritage asset, or redundant building, and is not considered to be of very exceptional quality or innovative nature. In view of this, only point d) is viewed applicable to the proposed development. It is highlighted that any prospective development must achieve all requirements of this part of the policy in order to be viewed appropriate.

The proposed dwelling is considered to accord appropriately with points 3 and 5 of the policy, in that it would comprise a generally small scale development that would not result in harm to its setting, or unacceptable impact to environmental assets. However, the proposed dwelling is not viewed to meet the other requirements of section d) for the following reasons.

The proposed dwelling is not considered to lie *adjacent* to the growth village. The word adjacent is not defined by the Local Plan and must be considered as a matter of fact and degree dependent on the specific circumstances of the proposal. The typical definition of adjacent is lying near or contiguous, although Case Law shows that adjacency does not directly equate to contiguous or abutting. In this case, the growth village boundary of Kingswood is positioned over 100m from the proposed dwelling, and separated by the Grand Union Canal as a clear visual demarcation, alongside the Navigation Inn and its associated area of hardstanding. A further treelined boundary further separates the existing Clinton House from the boundary of the Public House. While the site access lies just within the designated village speed limit zone, and within proximity of a handful of other sites, these factors are not viewed to effectively justify a direct adjacency to the village envelope of Kingswood.

The next point of consideration is whether the proposed dwelling would fulfil an identified housing need. Explanatory text of Policy H1 states that this need is likely to relate to the delivery of the overall housing requirement set out in this Plan and in this context a site is likely to contribute to need if the Council is unable to demonstrate a five-year supply of housing land. The site may also contribute to a more local housing need where this is demonstrated through an up-to-date Local Housing Needs survey.

While the Council is able to demonstrate a five-year land supply, during the course of the application an up to date Housing Need Survey for Rowington Parish was submitted for consideration, which included reference to the two bed bungalow sought by the applicants in the case of this proposal. It should be noted that the Housing Need Survey relates to Rowington Parish, within which the application site is located. However the settlement of Kingswood, within which it is contended the site should be considered, falls within Lapworth Parish. Notwithstanding this, it is accepted that the output of the survey highlights a need for a dwelling of the type and scale sought.

Information submitted to support the application highlights that the proposed development would comprise a self-build dwelling, thus filling the applicant's need to identify an appropriate self-build plot. While self-build housing is encouraged within the district, specific sustainable locations for the siting of such developments are clearly defined by Policy H15. The proposed dwelling is not considered to align with any of these locations. It is also noted that two housing allocations are defined

within Kingswood growth village boundary by the local plan. Policy H15 also sets out this support for self-builds 'subject to compliance with all other relevant policy requirements in the Local Plan and national policy including green belt', a consideration that will be reviewed further below.

Finally, Officers view that it has not been demonstrated fully that the scheme accords with point 4 in relation to accessibility. While the proposed dwelling would lie within relative proximity of essential services and public transport links in Kingswood, there is no current formal footpath access providing access into the village centre. While the submitted information highlights existing use of the grass verge between site frontage and highway as a common walking route, which is not disputed, such informal arrangement does not provide an appropriate safe access, particularly during darkness hours or when the verge is of poor condition. The busy nature of Old Warwick Road exacerbates this concern.

In view of the above assessment the proposed dwelling is considered to lie contrary to the provisions of Policy H1 in terms of siting. Permitting a single dwelling in an unsuitable location without evidenced justification would set a precedent and undermine the Council's housing strategy as comparable applications would be difficult for the Council to resist.

Section 38 (a) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan, unless other material circumstances indicate otherwise. Policy H1 of the adopted Development Plan clearly sets out locations where new housing in the district is to be directed and the application proposal does not accord with that plan. There are considered to be no material considerations whereby a departure from the Development Plan is warranted in this case.

Whether the proposal constitutes appropriate development in 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

Policy DS18 of the Warwick District Local Plan 2011-2029 states that the Council will apply Green Belt policy in accordance with government guidance as set out in national policy.

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of green belts being their openness and their permanence.

Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt and 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.



Paragraph 149 outlines that a local planning authority should regard the construction of new buildings as inappropriate, with the exception of an explicit list of development forms. This includes the provision of limited infilling in villages, the only cited exception to which the proposed new dwelling could reasonably fall.

While the supplementary supporting information suggests that the development could be considered to comprise redevelopment of previously developed land. Officers do not agree with this assertion noting that the dwelling is to be positioned within an undeveloped garden of an existing dwelling. It is similarly viewed that the proposed development could not be considered to constitute limited infilling in villages. Notwithstanding the locational assessment carried out under Policy H1 that considers the site to lie outside of the growth village, the development is not considered to form a limited infill. Policy H11 of the local plan relates to limited village infill housing development in the Green Belt. This states such infill development will be permitted where the proposal 'comprises the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built-up frontage, which is visible as part of the street scene'. The proposed dwelling would fill an existing gap that fronts the public highway. However, the site does not form part of an otherwise largely built-up frontage, noting both the large gap between Clinton House and the Navigation Inn, and the considerable set back of neighbouring sites to the west, some 60m from the highway and accessed via private track. There is no discernible and widely visible built-up frontage to this part of the street scene, and the dwelling would lie partially in front of Clinton Mews, the nearest neighbouring site.

As a result of this assessment, the proposed dwelling is considered to comprise inappropriate development in principle. Its visual and spatial implication on the existing open garden area is also noted, resulting in an appreciable loss of openness in comparison to the existing, open arrangement of the site.

Submitted information references the Lawful Development Certificate for a detached outbuilding of the same scale, design and position as the proposed dwelling granted in 2021. While it is accepted that a structure of comparable spatial and visual implication to the Green Belt could be constructed at the site, it is noted that this building would comprise an incidental outbuilding, to be used in direct association with the existing dwelling. It does not set precedent for creation of a new dwelling on the site. As a result, it does not comprise a valid fallback position in relation to the proposed scheme under this submission, as it would not provide a comparable form of development. In addition, the LDC approved outbuilding does not feature the same extent of domestic adjunct in the form of parking/hardstanding or separate domestic paraphernalia associated with a separate dwelling.

Previous application W/17/1423 in relation to outline permission for a new dwelling on the same site area as proposed in this instance was dismissed at appeal on the basis that it would comprise inappropriate development.

No very special circumstances to clearly outweigh the identified harm to the Green Belt by way of inappropriate development have been demonstrated. As a result the proposed dwelling is considered to lie contrary to Policy DS18 and the NPPF.

### Design and impact on the street scene

Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. Policy NE4 states that new development will be permitted that positively contributes to landscape character.

The proposed dwelling would be of single storey dimensions, limiting its immediate visual implication upon the street scene. While it would adopt a considerable footprint area that exceeds that of Clinton House, the layout of the dwelling in two interlinked sections would screen this spatial extent from public viewpoints to a fair extent.

The site's broader context is characterised by buildings of somewhat varied character and design, although traditional forms do predominate. Notwithstanding this, it is noted that there is no strong defining building character to the site that would lie contrary to the submitted dwelling design. The linear, gabled form of Clinton Mews. The proposed dwelling is not viewed to result in an over-dominant or overbearing form that results in visual harm to the street scene.

Following revisions to the designation boundary, the site does not fall within the nearby Canal Conservation Area. The WDC Conservation Officer commented on the scheme, observing that the proposals are not considered to cause any adverse harm to the setting of this designated heritage asset, nor the Grade II listed Kingswood Manor House to the south of the site.

Generally appropriate landscaping features have been proposed to surround the proposed dwelling, and traditional facing materials in the form of brick roof tiles have been illustrated. In the event that I was minded to recommend approval of the scheme, the submission of sample material details via pre-commencement condition could ensure appropriate quality and finish to the structure. In addition, in accordance with comments of the Landscaping Officer, a condition to secure landscaping details including replacement tree planting could be secured via condition.

In view of the above considerations the proposed development is viewed to accord with the provisions of Policy BE1.

### Impact on residential amenity

Policy BE3 of the Local Plan seeks to ensure that development does not adversely impact on the amenities of neighbours and also provides adequate levels of amenity for future occupiers of the development.

### **Neighbouring Amenity**

The proposed dwelling would not lie in breach of the 45-degree guideline taken from the nearest windows serving habitable rooms of the adjacent neighbouring properties Clinton Mews and Clinton House, the existing dwelling. Similarly, the

single storey form and position of the structure leads to an assessment that the development would not result in the generation of material harm to amenity by way of loss of light or outlook from these sites. Finally, the position and height of proposed fenestration ensures that no material harm by way of overlooking or loss of privacy would be generated by the development.

An appropriate level of private outdoor amenity space well above WDC guidance would be retained to the rear of Clinton House despite the loss of some existing garden area to accommodate the new dwelling. Distance separation significantly in exceedance of WDC guidance would be retained to Manor House opposite the Old Warwick Road frontage of the proposed dwelling to the east.

Given these considerations, the proposed layout is considered acceptable, and is not viewed to result in the generation of material harm to the amenity of any neighbouring sites.

### **Future Occupiers**

All habitable rooms within the proposed development would benefit from an acceptable level of natural light and outlook, being served by appropriate window openings.

The proposed dwelling includes provision of private outdoor amenity space to both its front and rear taken from the existing garden of Clinton House. This exceeds the WDC guidance figure of 40sq m for a dwelling of this scale.

As a result of these considerations, overall, the development is considered to comply with Policy BE3 in terms of impact on amenity to neighbouring properties and the amenity of the future occupiers.

### **Parking and Highway Safety**

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

Access to the driveway and parking area shown to the frontage of the new dwelling would be achieved through a short spur of the existing road access to Clinton House.

The Highways Authority were consulted on the application, advising that having undertaken a full assessment of the proposal, the existing access is suitable to accommodate the additional vehicle movements associated with the proposal without affecting the safety or capacity of the highway. In view of this, no objection was issued.

In addition, the proposed site layout would provide appropriate parking capacity for the two vehicle provision specification set out by the WDC Parking Standards SPD for a dwelling of this size. The installation of an EV charge point as an

appropriate form of type 1 mitigation specified by the WDC Air Quality SPD could be secured via planning condition.

Overall, the proposal is considered to accord with Policy TR1 and TR3 and will not give rise to highway safety concerns.

### Ecology and biodiversity

Policy NE2 of the Local Plan seeks to protect designated biodiversity assets and protected species, ensuring they are not adversely impacted by development proposals. Policy NE3 states that development will be permitted provided that it protects, enhances and / or restores habitat biodiversity.

Construction of the proposed dwelling and its associated landscaping would result in the loss of an area of existing garden space associated with Clinton House. A detailed Ecological Assessment was submitted to support the application, alongside a Biodiversity Impact Assessment calculation. The consultee Ecologist commented on the application, raising a number of queries in relation to the submitted information. This included the following feedback:

- *The (Ecological Assessment) report does not carry out newt survey work but confirms presence of Great-crested newts in one pond on site and assesses that it is highly likely they are also present in a second pond while not assessing other surrounding ponds due to access issues. This is a major impact that may be caused by the development and rightly the report identifies that a Natural England licence will be required for these works, as without which it is highly likely an offence will be committed.*
- *In terms of mitigation and compensation for the impact upon Great-crested newts the report proposes we follow District Level Licencing (DLL) measures, and does not make further recommendations on measures to avoid risk of harm, and to enhance the site, or mitigate for the loss of habitat. District Level Licencing is still not currently in operation in Warwickshire and so the report needs to be revised to reflect that currently the course of action for Great-crested newts remains as previously. A method statement including reasonable measures of avoidance and detailed survey work will be required as part of the licencing application for this site.*
- *The (BIA) metric appears to show a loss.*
- *The metric appears to list some hedgerow to be created but this is missing some information*

While some additional ecological information has been received in response to the queries raised, the Ecologist has noted that several matters remain outstanding. As a result, Officers must conclude that it has not been appropriately demonstrated that the scheme would appropriately protect the and mitigate for the presence of protected species in line with the requirements of Policy NE2. With mind to these considerations and the lack of further information to appropriately demonstrate otherwise, it is assessed that the proposal would not align with the provisions of Policy NE2.

It was however noted that the illustrated loss of 0.19 units within the submitted Biodiversity Impact Assessment could be offset through the purchasing of units from a compensation scheme via a contribution and appropriately secured via condition. This element of the assessment would therefore accord as necessary with Local Plan Policy NE3.

#### Other matters

Were permission to be granted, a condition is recommended in relation to water efficiency to meet the requirements of Local Plan Policy FW3.

The proposals make adequate provision for the storage of refuse.

Were permission to be granted, a condition is recommended to require the submission of a sustainability statement to meet the requirements of Local Plan Policy CC1.

### **SUMMARY/CONCLUSION**

The proposal is considered to be unacceptable in principle and comprise inappropriate development in the Green Belt for the reasons set out above.

The details submitted in support of the application have been carefully considered against relevant local and national policy considerations, and these are not viewed to appropriately justify or mitigate the impacts of the development refusal as set out above.

It is therefore recommended that planning permission should be refused.

### **REFUSAL REASONS**

- 1 Policy H1 of the Warwick District Council Local Plan 2011-2029 sets out the circumstances in which housing development will be permitted. H1(c) cites one such circumstance as being within the boundaries of Growth Villages and Limited Infill Villages, listed within the policy and as shown on the Policies Map.

Although Kingswood is one of the identified Growth Villages listed at Policy H1, the site is located outside of the established village boundary as identified on the Policies Map. In addition, the development would not fulfil an identified housing need, or provide safe access to services. Accordingly, the principle of new residential development cannot be considered to be acceptable having regard to the provisions of Policy H1 of the Local Plan.

For these reasons the proposal is therefore contrary to the aforementioned policy.

- 2 The NPPF and Policy DS18 of the Warwick District Local Plan state that construction of new buildings should be considered to constitute inappropriate development, with the exception of an explicit list of development forms.

The proposed new dwelling is not viewed to meet any of the outlined exceptions to inappropriate development established by the NPPF. In the opinion of the Local Planning Authority, the proposed development constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the aforementioned policies.

- 3 Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity.

It has not been appropriately demonstrated that the scheme would appropriately protect the and mitigate for the presence of protected species in line with the requirements of Policy NE2.

Therefore, in the opinion of the Local Planning Authority the proposed development would cause unacceptable harm to protected species. The development is thereby considered to be contrary to the aforementioned policy.

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**Application No:** [W 22 / 1008](#)

**Town/Parish Council:** Warwick

**Case Officer:** George Whitehouse

01926 456553 [george.whitehouse@warwickdc.gov.uk](mailto:george.whitehouse@warwickdc.gov.uk)

**Registration Date:** 13/06/22

**Expiry Date:** 08/08/22

**2 Chase Meadow Square, Narrow Hall Meadow, Warwick, CV34 6BT**

Change of use from Class E (cafe) to Micropub (Sui Generis) FOR Ale Hub Limited

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

**RECOMMENDATION**

It is recommended that the Planning Committee grant this application subject to the suggested conditions

**DETAILS OF THE DEVELOPMENT**

Change of use from licensed cafe (class E) to micro pub (sui generis) which is to be tied to a management plan drafted to ensure the use does not result in unacceptable noise and disturbance for nearby residents.

**THE SITE AND ITS LOCATION**

The application site relates to an existing class E premises within a small local centre on the Chase Meadow development.

The site fronts onto a parking area serving the local centre and the adjacent Public House. A range of flats are located above the ground floor retail premises with further residential properties in the surrounding area.

**PLANNING HISTORY**

None directly relevant to application

**RELEVANT POLICIES**

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking

#### Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Objection removed following the receipt of Environmental Health officers comments on the submitted noise survey

**Health Officer and Environment Protection Officer:** No objections subject to conditions

**Warwickshire Police:** No objection

**Public Response:** 6 Public objections citing noise disturbance, parking, suitability of use given the proximity of another drinking establishment.

### **ASSESSMENT**

#### Principle of change of use

The application site is located within in Narrow Hall Meadow, Chase Meadow, Warwick local shopping centre. Local Plan Policy TC17 states that there will be provision to maintain the retail function of local shopping centres. The existing use is a cafe which benefits from a late alcohol licence and the change of use of this to a drinking establishment is considered acceptable in principle as the change from one non retail function to another non retail function is not prohibited by TC17.

TC17 goes on to state that changes of use from Use Class A to other uses will be permitted provided that the proposal is for a service or facility that can be demonstrated to meet an important unmet local need and which can be satisfactorily controlled by planning condition. Class A is now revoked however both existing and proposed use of this premises fell within this class. Therefore we can deduce that the use of a drinking establishment is not a use that would require this further evidence to be submitted.

It is therefore considered that Local Plan Policy TC17 is complied with and there is no issue in principal of the proposed use.

#### Amenity considerations

Policy BE3 of the Warwick District Local Plan states that new development which has an unacceptable adverse impact on the amenity of nearby uses and residents will not be permitted

The neighbours in the flats above have objected on the grounds that the proposed change of use would negatively impact on the levels of amenity. This is due the noise associated with a drinking establishment.



The application site is located within an area with a mix of uses including retail, educational and residential. The submitted application form indicates that the proposed drinking establishment seeks to operate from 12:00 to 23:00 on any day of the week.

the applicant has provided a noise impact assessment report prepared by Venta Acoustics (Ref. VA4322.220906.NIA, dated 6th September 2022). This report seeks to respond to the initial comments and objections regarding noise. The report provides the results from background sound measurements completed in the vicinity of the proposed development as well as measurements of the existing sound reduction performance between the ground floor unit and first floor residential apartments. The report has utilised the Council's plant noise planning criteria to demonstrate that the proposed heat dump and cellar cooler units will not have an adverse noise impact on the nearest residential dwelling. To ensure that the plant is maintained in accordance with this criteria, a planning condition shall be applied requiring the plant to be installed and maintained in accordance with the recommendations of the Venta Acoustic report.

The report indicates that a secondary ceiling is already in place at the ground floor commercial unit and provides a good level of sound insulation performance. The report has assumed an internal noise level of 82dB(A) and suggests that the resulting noise level in the existing apartments above would be comfortably lower than NR20. The Noise Rating - NR - curves are used to determine acceptable indoor environment for hearing preservation, speech communication and annoyance.

Based on the proposed micropub use, subject to the management plan being adhered to, the protection measures in place will provide a suitable level of sound protection for the residents above. The Venta Acoustics report provides details of the noise management plan that would seek to minimise noise disturbance arising from customers inside and outside of the premises as well as ambient music played indoors.

Additional wording was suggested by the Council's Environmental Health Officer to be added to the initially submitted management plan in order to ensure the document serves its purpose. The additions were included in the latest iteration of the management plan. The noise management plan highlights potential sources of noise, both internally and externally and details the measures that will be in place to ensure these do not result in unacceptable noise and disturbance to nearby occupiers.

A condition will be added to the permission which secures the implementation of this management plan. The Council's Environmental Health Officer has no objections to the proposed change of use subject to conditions

There is a specific parking space for delivery vehicles which is able to be used by all units within the local centre and it is envisaged deliveries will take place between 10am and 2pm.

Subject to conditions the proposed use will not result in an unacceptable impact on the amenity of neighbouring occupiers. Therefore the proposals are compliant with Local Plan Policy BE3

### Other Matters

No additional parking is required to be provided over and above the existing use in accordance with the requirements of the Council's Parking SPD.

Warwickshire Police have no objection to the proposed use

### **Summary**

It is considered the proposals are acceptable subject to the suggested conditions. It is therefore recommended that Planning Permission is granted subject to conditions.

### **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 2022-04, and specification contained therein, submitted on 13/06/2022 approved document 4322.220906 NIA and specification contained therein, submitted on 07/09/2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The use hereby permitted shall only be open to customers between the hours of 07:30 and 23:00 on Mondays to Sundays. **Reason:** To ensure that the site is not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 5 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). 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 ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the

amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 6 The use of the premises hereby permitted shall only operate in accordance with the approved Noise Management Plan submitted 24/10/2022 at all times. Following 12 months of the first occupation, the plan shall be reviewed, and this review shall be agreed in writing by the District Planning Authority **Reason:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
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**Planning Committee:** 15 November 2022

**Item Number:** 8

**Application No:** [W 22 / 1203](#)

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

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

**Registration Date:** 05/09/22

**Expiry Date:** 31/10/22

**Stoneleigh Arms, 31 Clemens Street, Royal Leamington Spa, CV31 2DP**

Demolition of the rear of the Stoneleigh Arms and erection of temporary building supports as required. FOR Complex Development Projects Ltd

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This application is being presented to Committee due to the site being owned by the District Council and the applicant being CDP; the development partner of Warwick District Council.

**RECOMMENDATION**

That planning permission be approved subject to the conditions listed at the end of the report.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the partial demolition of the Stoneleigh Arms public house which has been vacant for a long period and which is now structurally unsafe. Demolition of the rear wing together with the rear wall and roof is proposed while the application seeks to retain the front facade (facing onto Clemens Street) together with the side returns and the boundary wall running alongside the southern (side) boundary. This application seeks permission solely for the proposed extent of demolition and does not seek permission for any redevelopment proposals at this time.

**THE SITE AND ITS LOCATION**

The Stoneleigh Arms, No.31 Clemens Street, is a 19th century unlisted, brick built, two storey detached building situated in the Royal Leamington Spa Conservation Area. The site is within the defined Town Centre boundary and the wider Urban Area of Leamington Spa. The site backs onto Court Street car park which lies to the east and north, while to the south is residential development in Tower Street that faces towards the rear elevations of the three storey buildings fronting Clemens Street.

Clemens Street is a mixed use area comprising a number of retail, office and other commercial uses, with some residential on upper floors of buildings. Directly opposite the site is a retail food store with its own car park to the side (south). The street scene is characterised predominantly by two and three storey terraced buildings; stucco or rendered facades intermingled with the use of some red brick.

The site of the Stoneleigh Arms makes up part of a wider allocation in the Local Plan; site H16 is the Court Street Area and a residential allocation for approximately 75 dwellings as set out in Policy DS11. The area of land covered by the allocation extends east of the building itself, as well as to the north and south (behind the buildings fronting Clemens Street) and includes Court Street car park.

The building the subject of this application is a disused public house. Having closed in the 1990's it has been vacant ever since which has led to the deterioration of the building. Internally some of the floors have collapsed and it is no longer deemed safe to enter.

### **PLANNING HISTORY**

W/16/0511 - Hybrid planning application comprising 1) application for outline planning permission for the erection of up to 40 dwellings with a pocket park and landscaping (matters of appearance and landscaping to be reserved) 2) Full application to part demolish the former Stoneleigh Arms public house and change the use of the Stoneleigh Arms public house to create 2no dwellings (Use Class C3) - Withdrawn

W/10/0469 - Part demolition of a non listed public house (Stoneleigh Arms) within a conservation area - Planning permission deemed not to be required

W/10/0470/CA - Part demolition of a non listed public house (Stoneleigh Arms) within a conservation area - CA consent deemed not to be required

W/08/1728 - Demolition of a non listed public house (Stoneleigh Arms) within a conservation area - Planning permission deemed not to be required

W/08/1729/CA - Demolition of a non listed public house (Stoneleigh Arms) within a conservation area - Withdrawn

W/01/0789/CA - Demolition of the Stoneleigh Arms - Refused

The historic applications outlined above each proposed varying degrees of demolition. Those which were deemed not to require planning permission proposed a smaller scale and extent of demolition than is proposed in this current application. The earliest refused application proposed the demolition of the building in its entirety.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- TCP1 - Protecting and Enhancing the Town Centres
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area
- RLS16 - Royal Leamington Spa Town Centre

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Support; the plan to keep the street-facing facade of the property is supported as is the wholesale redevelopment of the rear of the building. Comments from the Conservation Officer are supported.

**WDC Conservation:** Unlikely to raise objection to the principle of some demolition to the rear; initial request for additional information (plans, surveys) to be submitted. Final response advises there is no objection

**Historic England:** No comments to make

**Health & Community Protection - Environmental Sustainability:** No objection subject to condition

**WCC Ecology:** No objection subject to advisory notes

## **ASSESSMENT**

### Principle of development

Policy HE2 of the Warwick District Local Plan 2011-2029 sets out a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. Consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area. The policy also states that measures will be taken to restore or bring back into use areas that presently make a negative contribution to conservation areas.

This application does not propose the total demolition of the building; however it does involve demolition of a substantial element of the building such that only the front façade (fronting Clemens Street) and the side returns would remain. The rear wall, the roof and the projecting rear extension would all be demolished. The primary purpose of the demolition works is to make the building safe enough to re-enter and undertake the additional survey works necessary to inform whatever re-development proposals may come forward. At this time therefore, there is no proposal to redevelop the site and planning permission is therefore sought solely for the extent of demolition indicated on the submitted plans and supporting information.

Accepting this amount of proposed demolition is neither intrinsically linked nor is it dependent on whether or not there is a proposal in place for the site's

redevelopment. Since there is no such proposal at this time it falls to consider the specific impact on the relevant heritage asset(s) and the wider character of the area and whether or not the proposed scale of demolition would result in harm for which there are no public benefits to outweigh.

The building itself is clearly dilapidated and in a state of disrepair. Nevertheless, its façade does contribute towards the character of the Conservation Area and the street scene. Based on the evidence presented (which is considered further in this report) the Conservation Officer has raised no objection to the principle of the demolition works shown in the submission. To that end, officers consider the principle of development is acceptable in accordance with Policy HE2 subject to an assessment being made of the other relevant material considerations which are set out below.

### Impact on heritage assets

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

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

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

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

At this time, only the proposed extent of demolition of the building is being considered, while any future plans to redevelop the site would form the basis of a separate planning application.

The site subject to this application was originally a public house, dating from the 19<sup>th</sup> century. While the building is dilapidated and in a state of disrepair, its façade with Flemish bond brickwork does contribute towards the character of the Royal Leamington Spa Conservation Area as well as the street scene. There is some documentary evidence suggesting that an earlier building once occupied the site, which may have been used as taproom for the neighbouring Blenheim Hotel.

The building has been derelict for a number of years and a recent structural report submitted with this application highlights that the façade has "undergone some concerning movement" with cracks forming to the right-hand side. The rear of the

building is clearly in a very poor state of repair and does not contribute towards the special interest of the Conservation Area. An earlier structural survey further outlines the poor condition of the building. Having reviewed the evidence presented together with the visible state of the building, it is clear that some demolition is required to secure the future of the building, particularly to retain its front façade. No objections are raised therefore, from a heritage point of view to the areas subject to demolition. The front and side elevations are to be retained, enabling the historic form of this traditional former public house to be used in any forthcoming reuse of the site.

Having consulted the IHBC (Institute of Historic Building Conservation) guidance on conditions relating to the demolition of buildings in conservation areas it is recommended that a condition be attached to any forthcoming permission which requires the submission of details setting out the method of ensuring the safety and stability of the building fabric identified to be retained through the demolition works (and reconstruction). A Demolition Method Statement has subsequently been submitted with the application which the conservation officer is content to refer to through a compliance condition requiring the works to be carried out in accordance with the content of the document.

In light of the above advice from the Conservation Officer it is considered that the proposed amount of demolition would not have a detrimental impact on the character and appearance of the Conservation Area and the application can be recommended for approval, subject to there being no objection received from Historic England. It is further noted that the reason for consulting Historic England on this application is not because of the status of the building (it is not listed) but due to a legislative requirement to do so where "any application is made by an interested planning authority". In this instance, while the Council is not itself the applicant, the Council does own the site and the applicant is the Council's development partner. Historic England has since responded to the application confirming they have no comments to make.

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

#### Visual impact / character of the area

Policy BE1 requires new development to positively contribute to the character and quality of its environment through good layout and design. While this particular application proposes no new development; rather just the demolition of part of the building, the overarching principles of the policy are still applicable, i.e. the impacts the partial loss of the building would have on the appearance of the street scene and the wider character of the area.

The building is visible not only from the front (Clemens Street) but also to the rear as viewed in Tower Street as well as from Court Street Car Park which is to the north/east of the building. Since the front facade and side returns would be retained, the impact on the primary road from which the building is viewed would not significantly change. The loss of the rear would inevitably result in a visual impact when viewed from Tower Street and the car park however, the purpose of this application is to enable further survey work to be carried out which will ultimately inform future redevelopment proposals.



In view of the heritage considerations outlined above officers are of the opinion that while the demolition proposed would inevitably have some visual impact on the street scene and character of the area, this would not be so harmful as to warrant a recommendation of refusal against Policy BE1.

#### Impact on neighbouring/residential amenity

There are some residential uses in close proximity of the site, for example properties in Tower Street and upper floor flats in Clemens Street. The proposed method of demolition can be conditioned to ensure it does not result in unacceptable noise impacts on residential amenity. It is therefore proposed to attach such a condition to any forthcoming planning permission.

Subject to this condition officers are satisfied that the proposed demolition works would not result in adverse impacts on residential amenity and as such the development accords with Policy BE3 of the Local Plan.

#### Impact on ecology

Policy NE2 of the Local Plan requires development to have regard to protected species. A bat survey was submitted with the application which has been considered by the County Council Ecologist. The survey records that although there are occasional foraging bats crossing the site, the building is not identified as being used as a bat roost. The report concludes that no further survey work is required at this time and recommends works proceed with caution with the expectation that bats may still be found.

The County Council Ecologist agrees with the findings and recommendations set out within the survey, noting that in the event works were not carried out within 12 months of any permission it is likely an updated bat survey would be required.

Subject to advisory notes as recommended being attached to any forthcoming permission officers are satisfied that the proposed demolition works would not result in any adverse impacts on protected species and accordingly the development complies with Policy NE2 of the Local Plan.

#### Other matters

##### *Access and demolition method*

Since no physical construction works are proposed at this time and the application proposes only the amount of demolition shown on the plans, officers do not consider there would be any access and highway safety issues resulting from the development. That being said, it is most likely any vehicles associated with the demolition works would access the site from the rear, where the presence of residential properties in close proximity is noted. A Demolition Method Statement has been submitted with the application in any case to address some of the heritage impacts and officers note this covers access and traffic management. A compliance condition is considered reasonable and appropriate to ensure that the works are carried out in accordance with this Demolition Method Statement which not only responds to the heritage points raised by the conservation officer but also seeks to ensure there would be minimal disruption to the amenity of neighbouring properties having regard to access.

Future considerations with respect to access and highway safety would be a matter for any future planning application for redevelopment of the site.

### **Summary/Conclusion**

The principle of development is considered acceptable in accordance with Policy HE2 of the Local Plan. Given the evidence presented, the physical condition of the building, the reason for the proposed amount of demolition works and the heritage considerations set out above, no objections are raised to the works and it is noted that any plans for the further redevelopment of the site would form the subject of a separate application for planning permission.

The works are not considered to have any adverse impact on the general character of the area, neighbouring amenity or ecology and a suitable condition is recommended that would mitigate any potential impacts arising from noise and general disturbance.

For the reasons set out above it is recommended that planning permission be granted.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2400-A-DR-220720-1005 and specification contained therein, submitted on 21 July 2022 and DEM-S-0001 Rev.P01 and 'Existing Plans - Demolition Plan' : Figs. 06 and 07 and specification contained therein, submitted on 10 October 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall be carried out in full accordance with the Method Statement & Risk Assessment (Doc Ref: DEMO/1018/JM\_1-2 Version 2) submitted on 25 October 2022. The safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction shall be ensured at all times. **Reason:** To ensure that special regard is paid to specific architectural features and to ensure the fabric is protected from damage during the course of works in accordance with Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029 and in the interests of access and residential amenity in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029.

- 4 The demolition works hereby permitted shall be carried out strictly in accordance with the District Council's construction guidelines, 'Warwick District Council Construction Site Working: Guidance following the granting of planning permission'. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.
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**Planning Committee:** 15 November 2022

**Item Number:** 9

**Application No:** [W 22 / 1250](#)

**Town/Parish Council:** Bishops Tachbrook  
**Case Officer:** Helena Obremski

**Registration Date:** 17/08/22

**Expiry Date:** 16/11/22

01926 456531 Helena.Obremski@warwickdc.gov.uk

**Oakley Grove School, Land at, Oakley Wood Road, Bishops Tachbrook**

Reserved Matters application in association with W/19/1030 for all-through school (including nursery, primary school, secondary school and 6th Form), sports hall and outdoor sports and play facilities together with associated roads, car parking, landscaping and supporting infrastructure. FOR Willmott Dixon Construction Ltd.

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A number of concerns have been identified by the Parish Council. For the purposes of this report, these are treated as an objection to the application and this is the reason for presenting the application to Planning Committee. However, discussions are ongoing between the applicant and Parish Council.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the approval of the reserved matters (appearance of the buildings, landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of buildings) in association with W/19/1030 for an all-through school (including nursery, primary school, secondary school and 6th Form), sports hall and outdoor sports and play facilities together with associated roads, car parking, landscaping and supporting infrastructure.

This includes the following development:

- An early-years Nursery (single storey with a floorspace of 428 sq.m);
- 420-place Primary School (two-storey with a floorspace of 2,388 sq.m);
- 900-place Secondary School (three-storey with a floorspace of 5,601 sq.m);
- 300-place 6th Form (three-storeys with a floorspace of 2,181 sq.m);
- A Sports Hall with changing facilities (two-storeys with a floorspace of 1,464 sq.m);
- 4 Junior Football Pitches; 1 MUGA; 1 Artificial Grass Pitch; 1 Full Size Pitch;
- 219 car parking spaces, including a drop off area; cycle storage areas for 400 bikes;
- Soft landscaping around the perimeters, linking to the Country Park.

Minor landscaping amendments were made during the course of the application to the landscaping scheme to address comments made by WCC Landscape, WCC Ecology and the Green Spaces Team.

The sports hall roof design was amended to accommodate some necessary plant equipment and includes a brick screen at first floor.

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

The application site is approximately 11.2ha and is positioned to the west of Oakley Wood Road and south of Harbury Lane. The site currently consists of open countryside. 150 dwellings were approved in outline as part of application W/19/1030 which would sit to the north of the application site - a reserved matters application for the dwellings is currently with the Council for consideration (W/22/1104). Some isolated residential properties lie to the south and east of the site, of which there are Grade II listed buildings to the east. The Bishops Tachbrook Conservation Area boundary is located nearby to the southern boundary of the application site.

The Tach Brook runs along the southern and western boundaries of the site.

### **PLANNING HISTORY**

Outline planning permission was granted for a Primary School and Secondary School with 6th Form, sports pitch provision including flood lights, land for use as a Country Park and a residential development of up to 150 dwellings, with all matters reserved apart from access (W/19/1030).

This application relates to the education element only of the aforementioned application.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS3 - Supporting Sustainable Communities
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity

- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Distance Separation (Supplementary Planning Guidance)
- Heading for Bishop's Tachbrook Neighbourhood Plan
- BT1 - Conserving and Enhancing Bishop's Tachbrook's Landscape Character
- BT3 - Green Infrastructure
- BT4 - Traffic Management and Transport Improvements
- BT12 - Responding to Climate Change

## **SUMMARY OF REPRESENTATIONS**

### **Bishops Tachbrook Parish Council:** Comments:

- Site issues: the buildings sit surprisingly well in landscape - confirmation sought that visualisations are accurate; an LVIA should be provided; surplus land within school could be provided for Country Park at least temporarily; mini soccer pitch and Tachbrook are too close; query on timelock gate and community access to the site; narrow ramps to address change in levels is impractical and dangerous; requests brick corbelling details to north and south elevations of secondary school building; parapet level of sports hall missing; cross section drawings missing; area for expansion of sports provision should be included in Country Park - revised temporary fence line should be provided.
- Design of access road is poor: level difference between access road and Country Park needs to be resolved; inadequate pedestrian access from north along Oakley Wood Road; query on pedestrian access from the south.
- Pitches: gradient of mini soccer pitch too steep to play games on; gradient of senior football pitch too steep; soil will migrate downward across the mini soccer pitch; path from Country Park to time lock gate is too steep and will present a danger in winter; pitches should be level; cycle stands to south of mini soccer pitch too close to pitch - does not allow goal net depth; no area for primary school games - infant pitch needed.
- Cost of site due to levels: rough calculation suggests c55,000m3 of cut, fill and grading, which is expensive - query whether cost is included in financial plan.

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

**WCC Ecology:** Comments addressed, suggests bat and bird boxes could be increased.

**Sports and Leisure:** No comments.

**WCC LLFA:** No comments, surface water drainage details are controlled through the outline application.

**Environmental Protection:** No objection, subject to condition.

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

**Conservation Officer:** No objection, considering the boundary treatments and topography of the site, harm will not arise to the setting of designated heritage assets including Bishop's Tachbrook Conservation Area and Grade II listed buildings at Tachbrook Mallory House. I therefore have no objection to this application, subject to provision of facing materials which can be covered via condition. I would ask for further details of the 2.4m high secure boundary fencing, although it does appear that this is to be largely screened by existing and proposed vegetation.

**Public Rights of Way:** No objection.

**WCC Landscape:** Updated comments:

- School appears prominent, can anything be done to soften views from the public right of way - is there scope for additional tree planting?
- Query regarding accuracy of one of the visualisations.
- Lack of tree planting to soften phase 3 of the development.
- Request to keep non-native feature trees around buildings and car parks.
- Request for detailed landscape plans to be conditioned or details provided up front.
- Planting should be included to soften fencing.

**Open Space:** Updated Comments:

- Welcomes confirmation that children will be able to explore and interact with nature, confirmation of boundary treatments and machinery for maintenance.
- Query regarding retaining structures.
- Query regarding maintenance and development of safeguarded land.
- Comment on biodiversity enhancements.
- Suggestion for additional planting around the sports pitches.
- Query regarding access to site and timings of gate.
- Query regarding parking for community use.
- Query regarding relationship between entrance to site and Country Park.
- Queries regarding verified views.

**Sport England:** Objection to details submitted as the safeguarding of the playing field land to the south of the school has not been adequately been justified.

**Public Responses:**

1 Neutral:

- Approves of school being built, but has significant concerns regarding road safety during construction works. Oakley Wood Road should not be used for construction traffic as it would have a significant impact on quality of life, due to volume of dangerous HGVs. Construction traffic should be conditioned to be routed along Banbury Road, Europa Way and Harbury Lane. Conditions should ensure that Oakley Wood Road remains open in both directions, along with pedestrian walkway retained open, to allow residents to get to work, schools, hospitals, shops etc and allow emergency access.

- Noise and vibration will affect neighbours, impacting on mental and physical health, and cause damage to historic properties.

## **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.

Consideration of the current application can only include issues related to the detailed appearance, landscaping, layout and scale of the education development.

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

- Design and layout;
- Impact on Heritage Assets;
- Landscaping;
- Amenity;
- Highway safety/car parking/access;
- The ecological impact of the proposals;
- Drainage and flood risk; and
- Other Matters

### **Design and layout**

Warwick District Local Plan policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. It should harmonise with or enhance land use and should relate well to local topography and landscape features. This policy also recognises the need for development to be resilient to climate change. Policy NE4 of the Local Plan states that new development will be permitted that positively contributes to landscape character. Proposals must demonstrate that they consider landscape context, including local distinctiveness and enhance key landscape features, ensuring their long term maintenance. Proposals must also identify their likely visual impacts on the local landscape and should conserve, enhance or restore important landscape features. Detrimental impacts on features which make a significant contribution to character, history and setting of an area or asset should be avoided.

Policy BT1 of the Neighbourhood Plan states that development should conserve or enhance the area's landscape character to enhance the sense of place and history, and to provide recreational opportunities within tranquil settings. Development should protect the historic character and settlement pattern of the area, including maintaining individual farmsteads. The network of water features along the Tach Brook and other streams and ponds should be retained. Tree cover and hedgerows should be retained along the Tach Brook and Oakley Wood. Water features, woodlands and hedgerows should be protected and planting new hedgerows is encouraged. Urban forms of development should be screened and have



appropriate transitions to rural areas. New coverts and tree belts are supported in appropriate locations.

Policy BT3 states that the network of paths, watercourses and water features, hedgerow and woodland should be maintained and enhanced. New features that enhance the green infrastructure network will be encouraged.

At the outline stage, the development as a whole (including the additional housing and education provision) was considered to have a moderate level of harm on the landscape, noting that it would bring built form closer to Bishops Tachbrook than at present. The provision of a community use facility delivering health and wellbeing benefits, the benefits associated with the Country Park and meeting the education needs of the District were considered to represent material benefits which outweighed this harm.

Oakley Wood Road is lined by trees; this limits views into the site from the public highway. The proposed development is set back well from the main road, in accordance with the requirements of the parameters set out under the outline permission. The nursery which is closest to the highway would be a modest single storey structure and the development steps up in height moving further into the site, again in accordance with the requirements of the outline permission. It is noted that there are some very small structures located adjacent to the highway in the "no build zone". These would be a transformer enclosure, foul pump station, substation and enclosed timber bin store. Given the very modest nature in terms of scale of these structures, including the lightweight nature of the timber bin store, it is not considered that locating these elements in the no build zone would be contrary to the approved parameters plan. The purpose of the 'no build zone' was to limit the visual impact of the built development from Oakley Wood Road, and these structures are unlikely to be visible within the public domain, given their scale and position.

There will be impacted views from public footpaths and from within the Country Park to the north of the site. However, largely these impacts were considered at the outline planning stage and the benefits of the proposal were considered to outweigh any harm in this regard. With that said, the development has been designed to respond to the landscape and notably from the south will be viewed against the back drop of approved housing development, so will read as part of the built development beyond. The visualisations show that the school, whilst being three stories in part, is set down into the landscape, reducing the impact of its scale on the landscape. It is noted that the Parish Council consider that the buildings sit surprisingly well in landscape.

Visualisations from the housing development show that the views of the school would be interspersed with additional landscaping measures both proposed at the school site and also within the Country Park. Given the area of Country Park which separates the housing sites to the north and the school, this assists in softening views of the school from the north. There will be short range views of the school from the area of Country Park immediately to the north. However, the views of the school will only impact the entrance to the park and the main sections of the Country Park are far wider and will look out onto open countryside, with views of the school from the west being more nestled into the topography of the land.

The proposed buildings would be flat roof and have been designed to be representative of their purpose as an education facility. The buildings would be constructed predominantly from brickwork, with corbelled brickwork detail to add visual interest. Cladding, timber fins to the windows and deep window reveals add a more modern element to the otherwise simple design of the buildings. Maintaining the same pallet of materials for the buildings across the site allows for consistency, whilst responding to the different needs of the nursery, primary, secondary and 6th form provision. In this regard the proposal is considered to provide a comprehensive development of the site.

The Parish Council requested that additional brick corbelling details were added to the north and south elevations of the secondary school building as they currently appear bland. However, Officers consider that the design of the development as proposed is acceptable for the reasons set out above.

WCC Landscape and the Parish Council requested a LVIA and had some queries regarding the verified viewpoints provided by the applicant. WCC Landscape also had comments regarding the proposed landscaping, requesting additional landscaping to soften the views of the school from public vantage points. The Council's Green Spaces team also had some queries regarding the interaction of the development with the Country Park, requested additional viewpoints and had general queries regarding the layout.

The applicant responded to these points, noting that a LVIA was provided for the outline application and that Officers concluded at outline stage that the development would result in some visual and landscape impacts, but that any effects would be minimised by the Country Park proposals and a sensitively designed landscaping scheme and would be acceptable given the benefits and need for the development. They state that the submitted verified views show that the proposal would have no additional harm in comparison to the development which was shown at the outline stage. Officers agree with this stance.

Nevertheless, planting was updated in accordance with the recommendations from WCC Landscape and the Green Spaces Officer. Concerns have been raised by the landscape and green space officers on how views from the two properties at 9 and 10 Oakley Wood Road will be screened. The landscape proposals include a significant area of native tree and shrub planting to the north of these two properties and it is considered that these will provide a sufficient landscape screen to the playing pitches which are proposed to be located at some distance to these properties. A security fence is proposed along the boundary with these two properties as shown on the submitted Boundary Plan.

Some minor points remain outstanding from the Landscape Officer and Green Spaces Team which are in the process of being addressed by the agent. Members will be updated on this matter prior to the committee meeting. The Green Spaces Officer has queried the height of the retaining structures, however, a condition has been added for provision of details of these elements.

A further point raised by the consultation responses concerns the safeguarding of land at the southern end of the site. This southern area is currently not required for playing fields from an educational perspective and has therefore not been included within the current proposals. It will remain undeveloped until such time

as a need for additional playing pitches is identified. Detailed landscape plans will be drawn up at that stage to complement any playing pitch proposals on this part of the site and will be prepared in light of the adjacent Country Park scheme. A condition has been added to control this, which is considered to sufficiently address this matter.

The Parish Council stated that narrow ramps were proposed to address the change in levels, which is considered impractical and dangerous. The applicant responded to this stating that a ramp has been included to ensure access for all users to all of the school facilities. There is also a stepped access between the secondary and sports facilities. Officers have no concerns in this regard.

Whilst it has to be acknowledged that there would be moderate landscape harm as a result of the proposals as set above, the proposal is considered to conform with the parameters set in the outline permission and delivers a high quality scheme which is suited to its purpose.

### **Impact on Heritage Assets**

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting. This means that considerable importance and weight must be given to any harm caused to designated assets in the planning balance.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

There are a small cluster of Grade II listed buildings to the south east of the application site. They are positioned on the other side of Oakley Wood Road to the application site and there is extensive screening which runs along Oakley Wood Road. The Bishops Tachbrook Conservation Area boundary is located to the south of the site.

Under the outline permission, it was established that there would be less than substantial harm to the aforementioned heritage assets, but that the public benefits of the scheme would outweigh this harm.

Owing to the distance between the listed buildings and intervening features that will be in place and also given the context that the principle of education development of the application site is accepted, it is considered that the proposal is acceptable in this regard. It is noted that the Conservation Officer has no objection to the proposal, subject to provision of facing materials and further details on the proposed fencing which can be covered via condition.

It is therefore considered that whilst the development would result in less than substantial harm to heritage assets, the public benefits of the scheme would outweigh this harm.

### **Layout / Design of Sports Facilities**

There is an area identified for playing pitches to the south of the application site which will not be formally laid out as a sports pitch as part of this stage of developing the site. Sports England have objected to the proposal on the basis that the details regarding the safeguarding of the playing field land to the south of the site have not been adequately justified and query why the proposed MUGA is not proposed to be used under the community use agreement.

The applicant responded to this, stating that whilst Sport England wish to maximise sports provision on the site and secure the maximum community access, it needs to be acknowledged that this proposal will not result in any loss of playing pitches. On the contrary, the development will provide significant new and additional sports facilities on land that is currently in agricultural use. The applicant also states that the design of the all-through school and associated sports provision has been informed by a detailed consideration of the requirements of the education provider against national design guidance for schools. The applicant states that an assessment was made to ensure that the proposed sports facilities fully meet the requirements from an education perspective and can be delivered within the available budget.

The applicant confirms that the proposed sports provision exceeds the sporting requirements set out in the relevant Building Bulletin 103 'Area guidelines for mainstream schools' and there is therefore no requirement at this time to develop the southern part of the site for playing pitches. The land will be safeguarded for sports provision should needs arise in the future.

With regard to community access, the applicant states that account has been taken of the Council's Playing Pitch Strategy and detailed discussions have taken place with Warwick District Council to take account of the needs of the community as further set out in Sports Pitch Feasibility Report (STRI, July 2022) submitted to

discharge Condition 5 of the outline planning permission. Based on these discussions, it was concluded that, from a community perspective, there is particular demand for a full sized AGP, a variety of sized natural turf pitches and a sports hall. All of these are being provided as part of this development and will have community access. A MUGA has also been included as this is required from an education perspective, but no community access is currently proposed because it has not been deemed to be required.

Sport England responded to these points, stating that whilst the response highlights that the playing field land is not required for educational purpose at this point in time there is still a community need as identified within the Council's Playing Pitch Strategy (PPS). The PPS identified that when taking account of future demand for playing pitches (population and allocated housing growth) within the authority that there is a shortfall in provision. The additional playing field land beyond educational requirements would therefore help to address this shortfall. This is particularly pertinent given the extent of residential development (circa 4,500 dwellings) in close proximity to the site.

Further to the above, the submitted documents supporting the outline planning application highlighted that the new school will be required to provide shared access to new sports and leisure facilities for the local community in line with Warwick District Council's aspirations. Sport England states that the committee report also stated "The outline plan indicates that the school will have a mix of sporting facilities that are intended to accommodate the needs of the educational element and of the general public, which will be managed by means of a dual use community agreement." Given the above, Sport England considers that the approved outline application focused on both education and general public use of sports facilities and playing pitches; and was not solely focused on educational requirements based on BB103 guidelines with the added benefit of a community use agreement. On this basis, Sports England maintain their objection to the proposal.

Officers have considered the above information. Sport England were consulted on the basis of advising on the layout and details pertaining to the proposed sports facilities at the site. Whilst there may still be a shortfall in the provision of sports pitches as identified within the Council's Playing Pitch Strategy, it is not the responsibility of the developer to meet all of this need. To insist that the developer brings forward an additional pitch in addition to the seven which are already been provided would be disproportionate and unreasonable, particularly noting the significant public benefits which would be derived collectively from the sports facilities across the site.

Moreover, whilst Sport England would like to see the MUGA set aside to be part of the shared community use, it has been identified that a full sized AGP, a variety of sized natural turf pitches and a sports hall would suitably address local needs. Whilst Sport England would like to see the MUGA be part of the community use agreement, there was never a commitment for all of the educational facilities to be shared, and it must be remembered that the MUGA is required from an educational perspective only.

It is also noted that the Council's Sport and Leisure Team have no objection to the proposal. On this basis, the sports facilities are considered to be acceptable. Sport

England have recommended a condition in the event that the application is approved requiring details of the safeguarded area. This condition is the same as condition 5 which was applied to the outline permission. For this reason, it is not necessary to repeat the condition again under this reserved matters application.

It is noted that the Parish Council have raised some concerns regarding the positioning of the other playing fields nearby to existing and proposed features, that the gradients of the pitches are too steep to play games on them and the need for an infants pitch. The applicant has advised that all football markings have a 3m safety run-off as required by Sport England and The FA. This run off is unobstructed and to the same gradients as the marked-out pitches. There will also be security fencing in place and sufficient distance from existing and proposed features to ensure that there will be no likely health and safety concerns. Whilst not having a dedicated infants sports pitch, they will be able to use the others across the site.

Moreover, as Sport England, in their capacity as a non-departmental public body offering specialist advice on matters such as this, have raised no concerns regarding the layout of the pitches, it is not considered necessary to make changes in regards to the layout and design of the proposed pitches.

### **Amenity**

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The proposed use of the site has been accepted in principle under the outline permission. The proposal would introduce built development up to three stories in height, however this would be over 100 metres away from the nearest residential properties and separated by an area of the Country Park.

The proposed sports pitches would be within relative close proximity of the existing properties located to the west of Oakley Wood Road. However screening is proposed in the form of native tree and scrub planting which would buffer the residential properties from the pitch. A condition will be added so that details of landscaping measures must be submitted to and agreed in writing prior to the installation of any sports provision in the area of potential expansion to ensure adequate protection of nearby residential amenity.

The Environmental Health Officer queried the impacts of plant noise on nearby residents. However, any plant and equipment can be controlled via condition, which has been added.

It is therefore considered that the proposal will have an acceptable impact on residential amenity.

### **Highway safety / car parking / access**

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 seeks to ensure that sufficient parking is provided.

Policy BE4 of the Neighbourhood Plan states that appropriate measures shall be implemented as part of new development proposals to mitigate the impact of traffic on road safety and health.

Policy BT5 states that proposals which improve accessibility for existing and future residents of Bishops Tachbrook will be supported. Provision of enhanced, safe cycle routes and improvements to bus services will be supported.

Initial concerns were raised by WCC Highways over the connectivity between the school and the Country Park, which is subject to a separate Planning Application (W/22/0484), along with further concerns over the movement of vehicles, cyclists and pedestrians within the school site which may lead to conflicting movements.

Further submissions were made by the applicant which have addressed these concerns and WCC Highways have no objection to the proposal, subject to conditions. Some of the conditions repeat those which were attached to the outline application, so are not required. Other conditions are however needed to ensure that the Country Park is accessible from the school site and to ensure that parking is provided prior to first use of the site. The access between the Country Park and school development was noted as a concern by the Parish Council and Green Spaces Officer, which is considered to have been overcome in applying these conditions.

The Parish Council also consider the pedestrian access to the site from the north and south to be inadequate. It should be noted however that access to the site was accepted at the outline stage and WCC Highways have raised no concerns in this regard. It is noted that once the Country Park comes forward that there will be additional options to access the school from the south.

The Parish Council have also queried how the timelock gate will be operated and how it will enable community use of the playing fields. However, this is not materially relevant to consideration of this reserved matters application and will be controlled through the community use agreement which was a requirement of the outline application.

In accordance with the Council's Vehicle Parking Standards, 216 vehicle spaces are required, and 219 have been provided. This includes 50 spaces to be used by visitors to the Country Park, or using the community sports facilities. This overprovision of three spaces is not considered to be harmful or likely to lead to more reliance on the private car. WCC Highways have not raised concerns regarding this matter.

In total 543 cycle spaces are required to serve the development in accordance with the requirements of the Vehicle Parking Standards. The Planning Statement submitted states that more than 480 cycle spaces are provided for the development. These are appropriately positioned nearby to the entrances to the site. In order to ensure that adequate cycling storage is provided, a condition has

been added to monitor cycling to and from the site. Should there be additional demands for cycle parking, then there will be a requirement for the school to address this. It is noted that this is a similar approach to that taken for cycle parking for Kenilworth School, Glasshouse Lane (W/19/0655) within the S106 agreement.

It is understood by Officers that the Parish Council have strong concerns regarding the proposed impacts of the development from the construction works, notably a potential closure of Oakley Wood Road. However, it must be remembered that construction is not materially relevant to the assessment of this application and was dealt with at the outline application stage. Comments made by a member of the public regarding the impacts of construction cannot be considered as part of this application.

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

### **Ecological impacts**

Local Plan policy NE2 requires that designated areas and species of national and local importance for biodiversity and geodiversity must be protected. Policy NE3 requires that new development must protect, enhance and / or restore habitat biodiversity.

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.

The WCC Ecologist provided comments on the proposals, noting that they had compared the illustrative masterplan from the outline to the proposed masterplan under consideration of this application. It must be noted that the illustrative masterplan submitted under the outline permission was for informative purposes only, and was not conditioned as part of the approval.

The Ecologist noted some discrepancies between the details shown and the details proposed under the Country Park application (W/22/0484). They also recommended increasing the hedgerow buffers to the southern and eastern boundaries, as this is an important wildlife corridor for bats and other species, suggesting proposed hedgerows to at least 2m in width with a 2m verge of natural habitat. They also made recommendations regarding increasing the buffer zone of natural habitats between the proposed development and attenuation pond and moving gully pots away from dropped kerbs.

The proposed grass mix for the habitat area was updated in accordance with the Ecologist's recommendations, and details regarding the habitat enhancements were also shown on the plans, in accordance with the details agreed within the Landscape and Ecological Management Plan, secured through the outline permission.



On the basis that the impact on habitats and ecology were secured under the outline permission and the changes made, Officers are satisfied that the development is acceptable with respect to ecological impacts.

### **Impact on Trees**

The Tree Officer was consulted on the proposed layout and has no objection to the proposal. He recommends a condition for a Tree Protection Plan and Arboricultural Method Statement. This was conditioned as part of the outline scheme, therefore is not needed for the current reserved matters application.

It is considered that the impact on trees as a result of the proposed development is acceptable.

### **Drainage and flood risk**

Matters related to drainage are covered by planning conditions attached to the outline permission, which have now been discharged. On this basis, the Lead Local Flood Authority raised no objection to this development.

Overall, Officers are satisfied that the development is acceptable in this regard and accords with Policy FW2.

### **Climate Change**

Policy BT12 of the Neighbourhood Plan states that development proposals should incorporate features that contribute to reducing greenhouse gas emissions and increase resilience to the impact of climate change.

These matters were dealt with at the outline stage of the application process, under which there is a requirement for the school design to achieve BREEAM 'very good' standard of energy efficiency. This will ensure that the development reduces greenhouse gas emissions and increases resilience to the impact of climate change in accordance with the requirements of the Neighbourhood Plan.

### **Other Matters**

The Parish Council have queried whether the cost of cut and fill at the site has been included within the financial plans for the school. While not a material planning consideration, the applicant has confirmed that the required engineering works to deliver the school have been considered as part of the cost of the development.

The Parish Council consider that the path from the Country Park to the time lock gate is too steep and will present a danger in winter. This concern relates to the Country Park, rather than the school development itself. The applicant notes that all pedestrian routes within the school have been designed to fully comply with the relevant requirements and standards.

The Parish Council have stated that surplus land within school should be provided for the Country Park, at least temporarily. However, this is not a material planning consideration and would be a private legal matter.

The Parish Council noted that drawings were missing from the submitted information. Sufficient information is considered to have been provided to assess the application.

### **Summary / Conclusion**

The principle of the development was accepted under the outline application.

The proposed development is considered to represent an appropriate form of development and will deliver significant benefits in terms of education provision for the District and also shared community facilities. Whilst there would be modest harm to landscape character and less than substantial harm to heritage assets, the principle of development of this site is established and the proposal has been designed in accordance with the parameters set out under the outline permission. The material benefits outweigh the harm identified. The scheme represents an appropriately designed scheme, which would become more visually integrated into the landscape over time.

The application is therefore recommended for approval, subject to the recommended conditions.

### **CONDITIONS**

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

M489-CW-AA-00-DR-A-2101 Rev P06 (nursery ground floor), M489-CW-AA-RF-DR-A-2102 Rev P06 (nursery roof), M489-CW-AA-XX-DR-A-2150 Rev P08 (nursery elevations), M489-CW-BB-00-DR-A-2201 Rev P06 (primary ground floor), M489-CW-BB-01-DR-A-2202 Rev P06 (primary first floor), M489-CW-BB-RF-DR-A-2203 Rev P06 (primary roof), M489-CW-BB-XX-DR-A-2150 Rev P07 (primary north and south elevations), M489-CW-BB-XX-DR-A-2151 Rev P07 (primary east and west elevations), M489-CW-CC-00-DR-A-2301 Rev P07 (secondary ground floor), M489-CW-CC-01-DR-A-2302 Rev P06 (secondary first floor), M489-CW-CC-02-DR-A-2303 Rev P06 (secondary second floor), M489-CW-CC-RF-DR-A-2304 Rev P06 (secondary roof plan), M489-CW-DD-00-DR-A-042001 Rev P01 (sports hall ground floor), M489-CWA-EE-XX-DR-C-000560 Rev P04 (cut and fill plan - finished floor levels) and M489-CW-EE-ZZ-DR-A-0101 Rev P05 (site plan), submitted on 29th July 2022; and

M489-CW-DD-01-DR-A-042002 Rev P03 (sports hall plant level), M489-CW-DD-RF-DR-A-042003 Rev P03 (sports hall roof plan), M489-CW-DD-XX-DR-A-042101 Rev P03 (sports hall east and west elevations) and M489-CW-DD-XX-DR-A-042102 Rev P09 (sports hall south and north elevations) submitted on 10th October 2022; and,

M489-INF-XX-00-DR-L-21002 (21)002 Rev P05 (site sections sheet 1 of 2), 489-INF-XX-00-DR-L-21003 (21)003 Rev P05 (site sections sheet 2 of 2), M489-INF-XX-00-DR-L-03003 (03)003 Rev P06 (landscape masterplan), M489-INF-XX-00-DR-L-90001 (90)001 Rev P08 (hard landscaping plan sheet 1 of 2), M489-INF-XX-00-DR-L-90002 (90)002 Rev P07 (hard landscaping plan sheet 2 of 2), M489-INF-XX-00-DR-L-90003 (90)003 Rev P06 (boundary plan sheet 1 of 2), M489-INF-XX-00-DR-L-90004 (90)004 Rev P04 (boundary plan sheet 2 of 2), M489-INF-XX-00-DR-L-96001 (96)001 Rev P07 (soft landscape plan sheet 1 of 2), and M489-INF-XX-00-DR-L-96002 (96)002 Rev P04 (soft landscape plan sheet 2 of 2) submitted on 11th October 2022; and,

M489-CW-CC-XX-DR-A-032101 Rev P03 (secondary east and west elevations), M489-CW-CC-XX-DR-A-032102 Rev P02 (secondary south and north elevations), M489-CW-CC-XX-DR-A-032103 Rev P02 (sixth form elevations) and M489-CW-DD-XX-DR-A-042150 Rev P02 (sports hall sections) submitted on 14th October 2022

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

- 2 Prior to any commencement of development of the "area for potential future expansion" as shown on drawing M489-CW-EE-ZZ-DR-A-0101 Rev P05 (site plan), details of hard and soft landscaping must be submitted to and agreed in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary treatments; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the 'area for potential future expansion'; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation of the area. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 3 Prior to commencement of development, details showing the relationship between the access road to the site and the neighbouring site to the west and the gradients of the ramped area within the site shall be submitted to and approved in writing by the Local Planning Authority. Details should include large scale plans and sections showing the layout and vertical alignment and a programme of works. The development shall be carried

out only in accordance with the approved details. **Reason:** To ensure safe and suitable layout and access to and within the site in accordance with Policy TR1 of Warwick District Local Plan 2011 - 2029.

- 4 No development of each phase shall be carried out above slab level unless and until samples of the external facing materials to be used for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not be occupied unless and until all of the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.
- 6 There shall be no development above slab level unless and until a phasing scheme for the delivery of the approved hard and soft landscaping details has been submitted to and approved in writing by the Local Planning Authority. The phasing scheme must identify the separate phases of development and timescales for delivery of both hard and soft landscaping within each phase. The development shall be carried out in strict accordance with the approved phasing scheme. Any tree(s) or shrub(s) which within a period of five years from the completion a phase of development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 7 No development within each phase shall be carried out above slab level unless and until details of the fencing, gates, retaining structures, cycle stores and timber bin store (where applicable) for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 8 The development hereby permitted shall not be occupied unless and until 480 cycle storage spaces indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure sustainable access to the site in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029.
- 9 The occupier must monitor the use of the 480 cycle parking spaces from first use of the development until the tenth anniversary of the first use on a monthly basis. A report detailing the monitoring must be provided to the Local Planning Authority on an annual basis setting out the level of use. Where the annual report demonstrates that 80% of the cycle parking spaces are consistently in use, the occupier shall submit a scheme for delivery of up to 63 additional spaces within the site to the Local Planning Authority within 28 days. The scheme must take account of additional demand, a strategy for delivery and programme of works. The delivery of the additional cycle parking must be completed in full and in accordance with the approved scheme. **Reason:** To ensure sustainable access to the site in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029.
- 10 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). 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 Policy BE3 of the Warwick District Local Plan 2011-2029.
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