Planning Committee
Tuesday 21 June 2022

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 21 June 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.

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3. **Site Visits**

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

4. **Minutes**

(a) To confirm the minutes of the Planning Committee meeting held on 4 May 2022. **(To follow)**

(b) To confirm the minutes of the Planning Committee meeting held on 18 May 2022. **(Pages 1 to 6)**

Part B – Planning Applications

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

5. **W/19/0531 – Milverton House, Court Street, Royal Leamington Spa **Major Application**** **(Pages 1 to 9)**

6. **W/21/1493 – 1 Rock Cottages, Warwick Road, Leek Wootton** **(Pages 1 to 12)**

7. **W/21/1625 – 264 Valley Road, Lillington, Royal Leamington Spa** **(Pages 1 to 5)**

8. **W/21/2125 – 192 Cromwell Lane, Burton Green** **(Pages 1 to 6)**

9. **W/22/0313 – 68 Braemar Road, Lillington, Royal Leamington Spa** **(Pages 1 to 7)**

10. **W/22/0338 – 27 Fieldgate Lane, Kenilworth** **(Pages 1 to 5)**

11. **W/22/0432 – 27 Eastfield Road, Royal Leamington Spa** **(Pages 1 to 6)**

12. **W/22/0579 – 47 Beverley Road, Royal Leamington Spa** **(Pages 1 to 4)**

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

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Planning Committee

Minutes of the meeting held on Wednesday 4 May 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Ashford, Davison, Dickson, Jacques, Leigh-Hunt, Margrave, Morris, Quinney and Tracey.

Also Present: Committee Services Officer – Sophie Vale; Legal Advisor – Ross Chambers; Business Manager – Development Management – Sandip Sahota; and Principal Planning Officer – Lucy Hammond.

187. **Apologies and Substitutes**

(a) Apologies were received from Councillor Tangri.

(b) Councillor Davison substituted for Councillor Kennedy, and Councillor Margrave substituted for the Whitnash Residents Association vacancy.

188. **Declarations of Interest**

There were no declarations of interest made.

189. **Site Visits**

To assist with decision making, Councillors Dickson and Jacques made independent visits to W/22/0140 – Warwick Castle, Castle Hill, Warwick.

190. **Minutes**

The minutes of the meetings held on 29 March 2022 and 30 March 2022 were taken as read and signed by the Chairman as a correct record.

191. **W/22/0140 – Warwick Castle, Castle Hill, Warwick**

The Committee considered an application from Merlin Attractions Operations Ltd for the erection of hotel at Stratford Road car park; extension to existing restaurant at Knight's Village and new decked areas; elevated walkway; landscaping works including at Leafields; outdoor play area and associated infrastructure works.

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

The officer was of the opinion that the proposed development was acceptable in principle having regard to Policy CT6 and the Masterplan. In addition, the impacts on the relevant heritage assets, taking into account all the consultation responses with specific regard to the heritage and historic landscape matters as well as the amendments that were made in respect of tree planting and other landscaping matters, were considered to amount in a degree of harm considered to amount to 'less than substantial harm'. Accordingly, the public benefits arising from these proposals were considered and officers were satisfied that in this particular instance, a

sufficiently clear and convincing argument was demonstrated which outweighed the degree of harm identified.

Notwithstanding the above, any forthcoming permission would still be subject to a Unilateral Undertaking to secure the rescinding of lodges 09 and 12 which formed part of the earlier planning permission for Knights Village.

In considering the objection from the Gardens Trust, officers had regard to the fact that in their opinion Foxes Study should be afforded greater significance that it was given in the applicant's Heritage Statement. Notwithstanding this, Historic England and the Conservation Officer had not disagreed with the content and overall conclusions drawn from the applicant's supporting information in this particular regard. While the claim that the hotel would constitute further unwelcome expansion in this sensitive area of the historic landscape was not dissimilar, in principle, with the comments from Historic England about further erosion of the separation between the town and the designed landscape of the park, there was disagreement between the Gardens Trust who did not consider a sufficient justification and business case had been put forward, while it was the expert opinion of the Conservation Officer that sufficient justification had been demonstrated.

Overall, officers were satisfied that the principle of development was acceptable as set out above and the impacts on heritage assets was also considered acceptable in light of the examination of the public benefits which were considered to outweigh the harm identified. The proposals therefore accorded with Policies CT6 and HE1 of the Local Plan, and paragraphs 199, 200 and 202 of the NPPF.

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

The following people addressed the Committee:

- Mr Mackay, Conservation Advisory Forum, objecting;
- Dr Hyland, objecting;
- Mr Blofeld, supporting.

An addendum circulated at the meeting advised of additional information received:

"Drainage Strategy & Technical Note submitted by applicant leading to final response of 'No Objection' from Lead Local Flood Authority (LLFA)"

The addendum also detailed additional third-party representations received:

- five objections raising the following concerns:

    - Parking.
    - Environmental impacts.
    - Noise in close proximity to residential properties.

- Increased traffic.
- Proposals will result in unjustified harm to heritage assets.
- There is insufficient justification to outweigh the aforementioned level of harm.

Other non-material planning considerations raised.

- 1 support raising the following points:

  - Proposal would encourage more people to visit the town centre during an extended stay at the Castle.
  - Economic benefits for the town.

In response to questions from Members, the Principal Planning Officer stated that there were no plans within the application proposals to change the current site operating times and that it was expected that guests would be arriving within the existing hours. She also confirmed that the Highways Authority raised no concerns about operational hours.

Following on from this, she clarified condition 12 referred to a noise mitigation plan from Environmental Health, which set out a range of measures for how the building would be managed, including ensuring that there would be no additional disturbance to residents due to people entering or exiting the hotel. She assured Members that there was no opportunity for the hotel and restaurant to be hired out for big events (such as weddings). Regarding concerns about the noise from amenities lorries and vans, she informed Members about condition 20 which restricted the hours in which such amenities could take place. Access to car parks and Foxes Study would remain the same, with pedestrians being able to walk through at any time. The only difference would be the addition of the outdoor dining area, which Members were concerned would disturb local residents if large groups were outside during the evening. The addition of a condition imposing a curfew to the outdoor dining area was suggested, but the Legal Advisor stated that in the absence of objection from Environmental Health, there was no evidence to impose restrictions on the operating hours of access/egress to the hotel or on the outdoor dining area. It was suggested by the Principal Planning Officer that a note could be added to specify desired operating times instead.

Regarding the loss of 65 car parking spaces with the development of the hotel, the Principal Planning Officer reminded Members that this needed to be looked at "holistically", within the context of the parking provision across the wider castle grounds and in the overflow Leafields car park. On the basis that hotel guests would already be travelling by car to the site as a day trip there would be no materially greater demand on parking as a result of the hotel being built. Essentially, the use of the overflow car park would remain unchanged, only being used seasonally or in case of larger events.

In response to questions about EV charging points, the Principal Planning Officer clarified that there would be six EV charging points and that the applicants were proposing to install more EV infrastructure at a later date.

Councillor Davison suggested that a note be added to encourage the applicant to include more EV charging points in support of sustainability.

The Principal Planning Officer summarised the public benefits of the proposed development; including the estimated annual spend of £1.6m in addition to the £1.1m value added, 132 new jobs created during the building, and the use of local suppliers. These cumulative benefits supported Warwick's recovery from the pandemic and the castle as a tourist attraction was a material consideration. However, she noted that as 'less than substantial harm' had been identified, public benefits did not need to be considered, although it was listed within the report.

In response to a question from Members, the Principal Planning Officer stated that the BREEAM pre-assessment report concluded that the predicted score would be 66% and the rating 'Very Good'. While this was seen as realistic and achievable, Members felt that a note should be added to encourage the applicant to strive for a higher rating- with a score of over 70% earning a rating of Excellent.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Davison and seconded by Councillor Tracey that the application should be granted subject to the conditions in the report and the notes regarding EV charging points, the outdoor dining area, operating hours and the BREEAM score.

The Committee therefore

Resolved that in respect of W/22/0140

(1) it be **granted**, subject to

(a) the completion of a Unilateral Undertaking;

(b) the following conditions:

No.	**Condition**
(1)	the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
(2)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1456_500; 1456_505; 1456_506; 1456_507; 1456_508; 1456_513; 1456_514; 1456_516; 1456_518; 1456_519; 1456_520; 1456_521; 1456_522; 1456_523; 1456_524; 1456_525; 1456_526; 1456_527

No.	Condition
	and 1456_540, and specification contained therein, submitted on 28 January 2022, approved drawings 353/25_1 Rev.A; 353/25_2 Rev.A; 353/25_3 Rev.A; 353/25_4 Rev.A and PE0268, and specification contained therein, submitted on 24 March 2022, and approved drawing 1456_536 Rev.A and specification contained therein, submitted on 7 April 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)	no works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;
(4)	the development hereby permitted shall not be commenced unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the

No.	Condition
	approved details. A Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority within 3 months of first occupation. **Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029;
(5)	the development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species (*badger, bats, breeding birds, reptiles, otters*) and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. This should include measures for the protection and avoidance of harm to the Saltisford Brook and the bankside 5m buffer both during and after construction. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;
(6)	no development on each phase shall take place until: a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority for that phase.

No.	Condition

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken for that phase. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.

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

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

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

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality and to ensure an appropriate standard of design and

No.	Condition
	appearance within the Conservation Area, in accordance with Policies BE1 and HE1 of the Warwick District Local Plan 2011-2029 respectively;
(8)	no development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, within the setting of listed buildings and within this sensitive historic landscape, in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029;
(9)	no development shall be carried out above slab level unless and until final details of the play equipment proposed within the play area have been submitted to and approved in writing by the Local Planning Authority. Details shall include final designs and elevational details of the play equipment to be installed, together with a specification of the proposed materials and finishes. The development shall thereafter be carried out in accordance with the approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, within the setting of listed buildings and within this sensitive historic landscape, in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029;
(10)	prior to the commencement of any soft landscaping shown on the approved plans of the development hereby permitted, a strategy for the planting of additional trees within the locations shown on plans 353/25-7 and 353/25-8 shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of position, species, size and arrangements for planting and demonstrate that there would be

No.	Condition

no detrimental impact on the approved LEMP or the BIA metric. Thereafter the development shall be carried out in accordance with the approved strategy within the first planting season following the approval of details.

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

(11) no lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures (including details of all external light fittings and external light columns and hours of operation) have first been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. In discharging this condition, the Local Planning Authority expects lighting to be restricted around the watercourse, tree canopies and no lighting around potential bat roosts; and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This should include low level lighting along the elevated walkway in keeping with the existing walkways in the Knight's Village. This could be achieved in the following ways:

- Narrow spectrum lighting should be used to avoid the blue-white wavelengths;
- Lighting should be directed away from vegetated areas;
- Lighting should be shielded to avoid spillage onto vegetated areas;
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods; and
- Connections to areas important for foraging should contain unlit stretches.

Reason: To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the

No.	Condition
	occupiers of nearby properties and to ensure that protected species are not harmed as a result of any lighting installed, in accordance with Policies BE3 and NE2 respectively of the Warwick District Local Plan 2011-2029 as well as the NPPF and ODPM Circular 2005/06;
(12)	prior to the first occupation of the development hereby permitted, a Noise Management Plan relating to the activities to be carried out pursuant to this planning permission shall be submitted to and approved in writing by the District Planning Authority. Once approved, the agreed Noise Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(13)	prior to the first occupation of the development hereby permitted, six 7kW (minimum) electric vehicle recharging points shall be installed. Once the electric vehicle recharging points have been installed, a technical data sheet for the electric vehicle recharging point infrastructure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;
(14)	prior to the first occupation of the hotel hereby permitted, 15no. cycle parking spaces shall be provided in accordance with a detailed scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter those areas allocated for cycle parking shall be kept

No.	Condition

marked out and available for such use at all times.

Reason: to ensure adequate cycle parking for the hotel in the interests of both highway safety and visual amenity in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029;

(15) prior to the commencement of the development hereby approved (including all preparatory work), the Keen Consultants Arboricultural Method Statement reference 1756-KC-XX-YTREE-MethodStatement-RevA dated January 2022 and their Tree Protection Plan reference 1756-KC-XX-YTREE-TPP01Rev B 5775/21-01 dated November 2021, together referred to as the scheme of protection, shall be adopted.

The development shall thereafter be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

(16) the development shall be carried out in accordance with the submitted flood risk assessment (ref 'FLOOD RISK ASSESSMENT, WARWICK CASTLE: HOTEL AND EXTENSION TO KNIGHT'S VILLAGE RESTAURANT' P21-576 Issue No 1 dated 14/01/2022) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 0.9m above the 1000-year event.
- All built development with the exception of the raised walkway shall be sited within flood zone 1.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The

No.	Condition
	measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. **Reason:** To reduce the risk of flooding to the proposed development and future occupants in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029;
(17)	the development hereby permitted shall be carried out strictly in accordance with the detailed Landscape and Ecological Management Plan (PE0266/HS dated March 2022, Harris Lamb). The approved measures within the LEMP shall thereafter be implemented in full. **Reason**: To ensure protection of species and no net loss in accordance with ODPM Circular 2005/06 and the NPPF.
(18)	any hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted. Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be 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;
(19)	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,

No.	Condition
	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 future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and
(20)	no deliveries or waste collections likely to cause nuisance to nearby residents shall take place before 08:00 hours or after 19:00 hours on Monday to Friday or before 09:00 hours or after 18:00 hours on Saturdays. There shall be no deliveries or waste collections on Sundays or Bank Holidays. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
(2)	that subject to the wording being agreed in liaison with the Chairman, a note be added asking the applicant to consider: a) in order to minimise the disturbance to nearby residents it is expected that the Noise Management Plan submitted pursuant to condition 12 will include details of the hours of operation of the outdoor dining terrace and how any disturbance caused by access and egress to the hotel will be controlled; b) increasing the number of EV charging points; and c) striving, so far as possible, to achieve higher than 'Very Good' BREEAM rating.

(The meeting adjourned at 7.48pm and reconvened at 8.00pm.)

192. **W/19/0531 – Milverton House, Court Street, Leamington Spa**

The Committee considered an outline application from Chalice Build Ltd for the erection of two blocks of residential accommodation of up to 90 bed spaces together with undercroft parking.

The application was presented to Committee due to a change in circumstances relating to the Section 106 agreement.

The site was allocated for residential development within the Warwick District Local Plan for up to 75 residential units. The scheme was considered to accord with the allocation.

The viability of the scheme had been independently assessed by a specialist consultant and the scheme had been considered to have a marginal excess of profit that could be provided for Section 106 Contributions. These contributions would be secured by a Section 106 Agreement.

Members were therefore requested to grant outline planning permission subject to the revised Section 106 contributions and conditions set out within the original report (copied below for information).

An addendum circulated prior to the meeting advised that the following conditions were requested by Members following the Committee Meeting on 14 July 2020:

*"**Building Use***

The development hereby permitted shall be used solely for purposes falling within the C3 Use Class only and shall not be used at any time for purposes falling within the C4 Use Class (Small Houses in Multiple Occupation) or for use as Purpose Built Student Accommodation.

***REASON**: To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029."*

"Sustainability Statement

Notwithstanding details contained within the approved documents, prior to commencement of development, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include.

a) *How the development will reduce carbon emissions and utilise renewable energy;*
b) *Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;*
c) *How proposals will de-carbonise major development;*
d) *Details of the building envelope (including U/R values and air tightness);*
e) *How the proposed materials respond in terms of embodied carbon;*

f) *Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;*
g) *How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading*

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

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

*“**Building For Life Standards***

No development above slab level shall commence until a Construction Statement demonstrating how the design of the buildings will achieve Building For Life Standards and how this standards will be implemented within the construction of the building.

***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).”*

In response to questions from Members, the Business Manager acknowledged that it was unfortunate that we would not be getting affordable housing, but as this application had been independently assessed there was no reasonable justification to go against this advice. In response to a follow-up question from the Chairman, the Business Manager stated that the developer needs to be viable, so if there were further issues, they could always come back to the Committee again.

To add further clarification, the Legal Advisor stated that when this application was submitted was irrelevant, as it had been assessed and we had been told what contribution the developer could viably make. The Chairman added to this, saying that the planning application had already been determined but that the formal documentation for the decision had not yet been sent out. This application was then followed up by the viability assessment, and the evaluation was considered to be a reasonable figure.

Councillor Quinney suggested that, as it had been 18 months since planning permission was granted, a satisfactory s106 agreement had not been reached and no development had taken place, it was not unreasonable to “go back to the drawing board”. However, the Chairman disputed this, stating that, based on past experience, this could give the developer grounds for appeal.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was

proposed by Councillor Quinney and seconded by Councillor Davison that that the matter be deferred for further consideration with the hope that adjustments to the s106 and affordable housing contributions would ensure a "more balanced" conclusion. However, the result was 5-5, meaning that the Chairman had the casting vote as per Council procedure.

The Chairman stated that he would go along with officer's recommendation for approval. It was then proposed by Councillor Morris and seconded by Councillor Tracey that the application should be granted.

The Committee therefore

Resolved that W/21/0763 be **granted** subject to

a) a Section 106 Agreement to secure the revised financial contributions and obligations as set out in the report;

b) should a satisfactory Section 106 Agreement not be completed within four months of this Committee resolution, authority be delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues subject of that agreement; and

c) the following conditions:

No.	Condition
(1)	details of the appearance and landscaping of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended);
(2)	application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **Reason**: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
(3)	the development to which this permission relates shall begin within three years of the

No.	Condition
	date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason**: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
(4)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 17/53/05c, and specification contained therein, submitted on 17 June 2019. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(5)	the reserved matters submission shall be submitted in accordance with the general parameters as set out on drawing numbers 17/53/07D, 17/53/08D, 17/53/09D, 17/53/11C, 17/53/12D, 17/53/14A and 17/53/15A submitted on 17 September 2019. **Reason**: For the avoidance of doubt and to define the scale and form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(6)	no works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the Local Planning Authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of tree/shrub species planting. The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To protect and enhance the ecological quality of the site in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;
(7)	no development shall commence unless and until a detailed surface water drainage strategy has been submitted to and approved

No.	Condition

in writing by the Local Planning Authority. The details shall include:

- Provide hydraulic modelling calculations should confirm the proposed impermeable area used.
- Demonstrate how the proposed discharge rates identified in the calculations were calculated. A minimum of 50% betterment on the existing brownfield rate should be provided.
- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

Thereafter, 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;

(8) the development hereby permitted shall not be commence unless and until details of sound proofing have been submitted to and approved in writing by the local planning authority and the development has been completed in full accordance with the approved details.

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

(9) 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

No.	Condition
	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;
(10)	the development hereby permitted (including any works of demolition) shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason**: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;
(11)	no phase of the development shall commence unless and until a Low Emission Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

No.	Condition

Reason: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policies NE5 and TR1 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2019;

(12) prior to the commencement of the development, full details of all permanent lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. This should follow the Institute of Lighting Professionals' Guidance Note 01/20: Guidance notes for the reduction of obtrusive light. The lighting shall be installed according to an approved plan which will need to be submitted by the applicant. The lighting should be maintained in perpetuity. Such works, and use of that lighting and/or illumination, shall be carried out and operated only in strict accordance with those approved details.

Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

(13) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

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

(14) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

No.	Condition
	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;
(15)	no development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with adjacent phases have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(16)	notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures 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 the any relevant manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District Local Plan 2011-2029.

No.	Condition
(17)	any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, within the first planting season following the first occupation of the development. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be 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; and
(18)	notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures 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 the any relevant manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District Local Plan 2011-2029.
(19)	the development hereby permitted shall be used solely for purposes falling within the C3

No.	Condition

Use Class only and shall not be used at any time for purposes falling within the C4 Use Class (Small Houses in Multiple Occupation) or for use as Purpose Built Student Accommodation.

Reason: To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029;

(20) notwithstanding details contained within the approved documents, prior to commencement of development, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include:

a) How the development will reduce carbon emissions and utilise renewable energy;
b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
c) How proposals will de-carbonise major development;
d) Details of the building envelope (including U/R values and air tightness);
e) How the proposed materials respond in terms of embodied carbon;
f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading.

No dwelling/ building shall be first occupied until the works within the approved scheme

No.	Condition
	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); and
(21)	no development above slab level shall commence until a Construction Statement demonstrating how the design of the buildings will achieve Building For Life Standards and how this standards will be implemented within the construction of the building. **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).

193. **W/21/2282 – 28 Clemens Street, Royal Leamington Spa**

The Committee considered an application from Mr Mudan for the change of use from a printing shop (Use Class E) to a drinking establishment (Sui Generis).

The application was presented to Committee due to the number of support comments received and the application was recommended for refusal.

The officer was of the opinion that the application should be refused on the basis that it would conflict with Policy BE3 of the Local Plan.

An addendum circulated prior to the meeting advised that two further objections were received on the following grounds:

- The surrounding area was not undersupplied with drinking venues, the proposal would therefore not add variety to the town;
- support comments were received from addresses well beyond the District;
- the application was contrary to Policy TC3; and
- adverse impact on neighbour amenity.

Officers also corrected the statement that 11 letters of support were received and not 13 as indicated in the Committee Report.
Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Ashford and seconded

by Councillor Quinney that the application be refused in line with officer recommendations.

The Committee therefore

Resolved that W/21/2282 be **refused** for the following reason:

No.	Refusal Reasons
(1)	Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents. In the opinion of the Local Planning Authority, it is considered that the proposed change of use from a shop to a drinking establishment would result in material harm to the living conditions of neighbouring residents by reason of unacceptable levels of noise disturbance and anti-social behaviour. The applicant has been unable to suitably demonstrate how these adverse impacts could be effectively mitigated. The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy.

(The meeting ended at 8.45pm)

CHAIRMAN
21 June 2022

Planning Committee

Minutes of the meeting held on Wednesday 18 May 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillors Boad, R Dickson, Falp, B Gifford, Kennedy, Morris, Murphy, Noone, Norris, Quinney and Tracey.

Also Present: Committee Services Officer – Rob Edwards; Legal Advisor – Ross Chambers; Business Manager – Development Management – Rob Young.

1. **Apologies and Substitutes**

(a) Apologies were received from Councillor Jacques.

(b) Councillor Falp substituted for Councillor Margrave.

2. **Appointment of Chairman**

It was proposed by Councillor Falp and seconded by Councillor Morris that Councillor Boad be appointed Chairman of Planning Committee.

Resolved that Councillor Boad be elected Chairman of Warwick District Council's Planning Committee for the municipal year 2022/23.

3. **Appointment of Vice-Chairman**

It was proposed by Councillor Boad and seconded by Councillor Gifford that Councillor Morris be appointed Vice-Chairman of Planning Committee.

Resolved that Councillor Morris be elected Vice-Chairman of Warwick District Council's Planning Committee for the municipal year 2022/23.

4. **Declarations of Interest**

There were no declarations of interest made.

5. **Site Visits**

Councillor Dickson made independent site visits to the following addresses:

W/22/0241 – 3 Church Cottages, Church Road, Honiley.
W/22 0411 – Hope Barn, Dalehouse Lane, Kenilworth.

6. **Minutes**

(a) The minutes of the Planning Committee meeting held on 26 April 2022 were taken as read and signed by the Chairman as a correct record, subject to the addition of the following additional wording to Minute Number 185 – W/21/0410 – 62 Leam Terrace, Royal Leamington Spa:

1. "In response to a question from Councillor Quinney as to why it was acceptable to approve no amenity space for the development, in breach of Residential Design Guidelines; while ample amenity space remained at the main dwelling at no 62, the Planning Officer advised that in terms of the residential design guide, Councillor Quinney was correct in stating that 4-bedroom dwellings or above, the standard was 60 square metres. As officers assessed the proposed units as 2 one-bedroom flats, the relevant standard for that set out was 10 square metres per unit, so totalling 20 square metres for the development site. It was a matter of judgement for whether officers felt that was acceptable in terms of the lack of provision. Working within the site boundary that was illustrated in the presentation, the constraints were there in providing appropriate space for the 2 required parking spaces/waste storage etc. Officers viewed that the form of the proposal and the proximity of nearby outdoor space in this instance mitigated the lack of specifically designated outdoor amenity space".

2. "Members felt that adopting national living standards would help and asked for their request to be reported to officers and Portfolio Holders **by the Chairman of the Committee**".

(b) The correction to the approved minutes of the Planning Committee meeting held on 2 March 2022 which omit recording the approval of the minutes of the Planning Committee meeting held on 1 February, was confirmed.

During this item, the Chairman stated that he had sought advice in respect of the above request to officers and Portfolio Holders and he explained that the Chair of the Committee had no particular authority in writing to them; individual Members were also able to. The request had not yet been written since the previous Committee meeting as the Chairman had only been appointed during this meeting – Minute Number 2.

7. W/22/0411 – Hope Barn, Dalehouse Lane, Kenilworth

The Committee considered an application from Mr Tibbatts which was a resubmission of a previously refused application – W/21/0149 – for the erection of a single storey extension.

The application was presented to Committee due to the number of public representations of support when the recommendation was for refusal, and it was called in to Committee by Councillor Hales.

The officer was of the opinion that the proposal was not considered to meet the requirements of Local Plan Policies BE1, BE4 and H14, nor follow the Guidance for Barn Conversions SPG and it was therefore recommended for refusal.

The following people addressed the Committee:

- Councillor Barry, Town Councillor, supporting;
- Mr Smiton, Supporter/Applicant; and
- Councillor Hales, District Councillor, supporting.

In response to questions from Members, the Business Manager – Development Manager advised that in terms of the difference between this application and the previous application which was refused, there was not a significant difference in size, rather the non-glazed part was 400mm shorter and the glazed link was 500mm longer. In terms of policy H14, the application complied with the element relating to size when assessed against Greenbelt Policy, but did not comply with the element relating to extensions to barn conversions.

The Legal Officer clarified that the previous refusal reason was that the application was contrary to the explanatory text of Policy H14, not contrary to Policy H14.

The Business Manager – Development Manager further advised that Policy H14 applied whether a site could be seen or not; the heritage assets/character of the barns across the District were covered whether they were visible from public vantage points or not. The harm to the original building was by having an arbitrary extension in a form and location which would not historically have been there.

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

The Committee therefore

Resolved that W/22/0411 be **refused** for the following reason:

No.	Refusal Reason
(1)	Policy BE4 of the Warwick District Local Plan 2011-2029 sets out a number of criteria for the conversion of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding or alteration to the external appearance of the building, and for the appearance and setting of the building following conversion to protect and where possible, enhance the character and appearance of the countryside. The explanation to the policy states that where proposals include extending rural buildings as part of their conversion, these will not be approved unless it can be demonstrated that the extension is essential for the retention of the building.

No.	Refusal Reason
	The District Council has also approved Supplementary Planning Guidance on barn conversions, and permitted development rights for subsequent extensions are removed in order to ensure that the character and appearance of the converted buildings and their setting within the wider countryside are respected and protected. In addition, Para. 4.96 of Policy H14 states that, in the case of barn conversions in the open countryside, the Council is extremely unlikely to grant approval for any extensions. Such conversions are only usually permitted where they can be undertaken with minimum disruption to the integrity of the original building. Any extension, however sensitively implemented, would harm this integrity. The application site comprises a converted former agricultural building that has largely retained its original agricultural character. In the opinion of the Local Planning Authority, the proposed extension disrupts the simple form of the converted barn by reason of its scale and design and this detracts from the original rural character and appearance of the building, thereby prejudicing the objectives of the aforementioned policies. If permitted, this type of extension could act as a precedent for extensions to other converted barns which would be difficult to resist, thereby cumulatively eroding the rural character of the countryside.

8. **W/22/0241 – 3 Church Cottages, Church Road, Honiley**

The Committee considered an application from Mr and Mrs Smith for alterations and extensions to increase the height of existing side and rear wings, dormers, fenestration alterations, infilling of overhand to enlarge hallway, and all associated works.

The application was presented to Committee due to the number of comments of support when the recommendation was for refusal.

The officer was of the opinion that the proposals would result in a further increase to built form in addition to the existing 87.6% increase over and above the original dwelling, and therefore result in a disproportionate addition within the Green Belt which was contrary to the aims and objectives of Local Plan Policy H14. It was therefore recommended that planning permission should be refused.

The following people addressed the Committee:

- Councillor Gee, Parish Councillor, supporting; and
- Supporter/Applicant, Ms Cashmore.

An addendum circulated prior to the meeting advised Members of further updates to the Planning History, and considerations that the Agent believed should constitute very special circumstances.

In response to questions from Members, the Legal Officer clarified that the development was considered inappropriate development in the Greenbelt, so there was a question of judgement for Members to consider whether there were other considerations which outweighed that harm. The applicant had put forward some considerations in the addendum, which officers did not consider amounted to special circumstances, but that was a question of Members' judgement. The Committee raised concerns about the fallback position of the permitted development of the single storey extension, which it felt constituted special circumstances.

The Legal Officer advised Members they could agree a S106 obligation to ensure that the less desirable extension did not come forward if the development was granted. The concern about the fallback position could be given weight in coming to the conclusion that there were special circumstances that outweighed the harm to the Greenbelt. However, if this was imposed through condition, there was a risk it would not be upheld upon an appeal.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Norris that the application should be granted contrary to officers' recommendation.

The Committee therefore

Resolved that in W/22/0241 be **granted** on the grounds that the following considerations amounted to very special circumstances outweighing the harm to the green belt:

- the more harmful fallback position;
- increasing longevity/use of the property, and
- allowing the property to be more environmentally friendly and sustainable.

and subject to:

(1) an agreement under section 106 to prevent the development of the fallback extension; and

(2) Conditions to be agreed by officers in liaison with the Chairman of Planning Committee, including a condition on energy efficiency in accordance with the emerging net zero DPD.

9. **Appeals Report**

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

Resolved that the report be noted.

(The meeting ended at 7.53pm)

CHAIRMAN
21 June 2022

Planning Committee: 21 June 2022 **Item Number:** 5

Application No: W 19 / 0531

Registration Date: 07/05/19
Town/Parish Council: Leamington Spa **Expiry Date:** 06/08/19
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Milverton House, Court Street, Leamington Spa, CV31 2BB
Outline application for the erection of two no. blocks of residential accommodation of up to 90 bed spaces together with undercroft parking. FOR Chalice Build Ltd

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PURPOSE OF REPORT

This application is being brought to Committee at the request of the Chairman to include the provision of an additional condition to preclude the occupation of the proposed buildings by students.

Committee previously resolved to grant planning permission subject to revised Section 106 Contributions following a financial viability assessment at the meeting held on 4 May 2022. A condition was previously included to prevent the use of the building for any House in Multiple Occupation use.

Following the meeting, it was considered that the proposed condition would not preclude the individual studios being used as individual, self-contained student accommodation units. Following a discussion with Legal Services, an additional condition is now proposed with wording as follows;

"No unit hereby permitted shall be occupied solely by persons enrolled in a full time course of further or higher education.

***REASON**: To ensure a satisfactory form of development and to ensure compliance with Warwick District Local Plan (2011-2029) Policy H6 (Houses in Multiple Occupation and Student Accommodation)"*

This report therefore seeks Committee's agreement to add this additional condition to those previously agreed by Committee at your last meeting. It is not possible, and therefore this report is not intended to reconsider the principle of development and the merits of the case more widely.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the revised financial contributions and obligations as set out in the report.

Should a satisfactory Section 106 Agreement not have been completed within four months of the date of the Committee resolution, Planning Committee are

recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

THE SITE AND ITS LOCATION

Milverton House and Drummond House are modern industrial buildings split into a number of smaller units. Both buildings are single storey in scale and of unremarkable design.

The site of Milverton House backs onto residential properties on Tower Street to the west that are a row of maisonettes with the rear garden areas abutting the site boundary.

To the immediate north of Milverton House lies a vacant building that appears to have originally been a chapel/church but was last in use as commercial premises.

To the north and west of this building lies the recently extended Court Street car park. Court Street runs north/south to the east of Milverton House and beyond this lies the associated property, Drummond House.

To the south of the site is the access road serving Tower Street and beyond this lies the Waterside medical centre.

Drummond House is a similar, modern, single storey building of utilitarian character. This building is flanked to the east and south by other commercial premises. To the north of the site is a newly constructed residential block. Directly to the west is the site currently occupied by Milverton House.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- PC0 - Prosperous Communities
- TCP1 - Protecting and Enhancing the Town Centres
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix or Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)

- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - April 2019)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Canal Conservation Area DPD
- Creative Quarter "Big Picture" Document.

DETAILS OF THE DEVELOPMENT

This is an outline planning application for the demolition of two existing buildings known as Milverton House and Drummond House and the erection of 2 new blocks of residential accommodation to incorporate up to 90 bed spaces together with associated parking. Whilst the total number of bed spaces is identified, the overall allocation of individual residential units has not been determined in this proposal.

The existing buildings form part of the Court Street industrial estate and represent fairly modern and utilitarian commercial premises.

Indicative proposals identify a building up to 4 storeys in height on both sites with the Milverton House building staggered in height from 1 to 4 storeys.

The site lies within an area identified within the Local Plan as being within the Town Centre Boundary of Leamington Spa and is allocated for residential development, forming part of allocation H16. This allocation identifies a total of 75 dwellings within the allocation area.

The site is outside the boundary of, but in fairly close proximity to the Royal Leamington Spa Conservation Area and the Canal Conservation Area.

Conclusion

It is therefore recommended that Committee resolve to add the proposed condition the subject of this report to their previous resolution to grant planning permission.

CONDITIONS

1 **Reserved Matters**

Details of the appearance and landscaping of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved.

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

2 **Submission of Reserved Matters Timescale**

Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

3 **Commencement of Development**

The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.

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

4 **Approved Plans**

The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 17/53/05c, and specification contained therein, submitted on 17 June 2019.

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

5 The reserved matters submission shall be submitted in accordance with the general parameters as set out on drawing numbers 17/53/07D,

17/53/08D, 17/53/09D, 17/53/11C, 17/53/12D, 17/53/14A and 17/53/15A submitted on 17 September 2019.

REASON : For the avoidance of doubt and to define the scale and form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Pre-Commencement Condition:

6 **Ecological and Landscaping Scheme**

No works to commence on site, including site clearance, until a combined ecological and
landscaping scheme has been submitted and agreed between the applicant and the Local Planning Authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of tree/shrub species planting. The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON: To protect and enhance the ecological quality of the site in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

Pre-Commencement Condition:

7 **Submission of drainage details**

No development shall commence unless and until a detailed surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The details shall include;

- Provide hydraulic modelling calculations should confirm the proposed impermeable area used.
- Demonstrate how the proposed discharge rates identified in the calculations were calculated. A minimum of 50% betterment on the existing brownfield rate should be provided.
- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

Thereafter, 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.

Pre-Commencement Condition:

8 **Noise Mitigation**

The development hereby permitted shall not be commence unless and until details of sound proofing have been submitted to and approved in writing by the local planning authority and the development has been completed in full accordance with the approved details.

REASON: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

Pre-Commencement Condition:

9 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.

Pre-Commencement Condition:

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

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

Pre-Commencement Condition:

11 **Low Emission Strategy**

No phase of the development shall commence unless and until a Low Emission Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy

shall thereafter be implemented in strict accordance with the approved details.

REASON: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policies NE5 and TR1 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2019.

Pre-Commencement Condition:

12 **Details of External Lighting**

Prior to the commencement of the development, full details of all permanent lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. This should follow the Institute of Lighting Professionals' Guidance Note 01/20: Guidance notes for the reduction of obtrusive light. The lighting shall be installed according to an approved plan which will need to be submitted by the applicant. The lighting should be maintained in perpetuity. Such works, and use of that lighting and/or illumination, shall be carried out and operated only in strict accordance with those approved details.

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029

Pre-Commencement Condition:

13 Notwithstanding details contained within the approved documents, prior to commencement of development, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

a) How the development will reduce carbon emissions and utilise renewable energy;
b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
c) How proposals will de-carbonise major development;
d) Details of the building envelope (including U/R values and air tightness);
e) How the proposed materials respond in terms of embodied carbon;
f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

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

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

14 **Samples of Materials**

No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

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

15 **Site Levels/Finished Floor Levels**

No development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with adjacent phases have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

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

16 **Landscape Replacement Planting**

Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, within the first planting season following the first occupation of the development. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be 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.

17 **Water Efficiency**

Notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures 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 the any relevant manufacturer's specifications.

REASON: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District Local Plan 2011-2029.

18 The development hereby permitted shall be used solely for purposes falling within the C3 Use Class only and shall not be used at any time for purposes falling within the C4 Use Class (Small Houses in Multiple Occupation) or for use as Purpose Built Student Accommodation.

REASON: To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029.

19 No unit hereby permitted shall be occupied solely by persons enrolled in a full time course of further or higher education.

REASON: To ensure a satisfactory form of development and to ensure compliance with Warwick District Local Plan (2011-2029) Policy H6 (Houses in Multiple Occupation and Student Accommodation).

20 No development above slab level shall commence until a Construction Statement demonstrating how the design of the buildings will achieve Building For Life Standards and how this standards will be implemented within the construction of the building.

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).

Planning Committee: 21 June 2022 **Item Number:** 6

Application No: W 21 / 1493

Registration Date: 06/08/21
Town/Parish Council: Leek Wootton **Expiry Date:** 01/10/21
Case Officer: Jonathan Gentry
01926 456541 jonathan.gentry@warwickdc.gov.uk

1 Rock Cottages, Warwick Road, Leek Wootton, Warwick, CV35 7RB
Demolition of existing garage & erection of 1no. three bedroom dwellinghouse with associated works. FOR Mrs. Cusdin

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

RECOMMENDATION

Members are recommended to grant permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for the demolition of an existing garage & erection of 1no. three bedroom detached dwellinghouse with associated works.

THE SITE AND ITS LOCATION

The site relates to an existing garage and private amenity area associated with No.1 Rock Cottage, Warwick Road, Leek Wootton. The existing property is a two-bedroom end-terrace dwelling with integral side garage set along the Warwick Road frontage of the village.

The site is situated within the Growth Village of Leek Wootton as defined by the Warwick District Local Plan Proposal Maps. To the west of the site is recreation ground, which falls within Green Belt. To the north is the village hall. To the south is a terrace block of cottages. The site is also situated within the Leek Wootton Conservation Area.

PLANNING HISTORY

There is no relevant planning history relating to this development.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- H1 - Directing New Housing
- BE1 - Layout and Design

- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- CC1 - Planning for Climate Change Adaptation
- NE1 - Green Infrastructure
- NE5 - Protection of Natural Resources
- FW3 - Water Conservation
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Leek Wootton and Guy's Cliffe Neighbourhood Plan (2018-2029)
- LW1 - Protecting and enhancing local landscape character
- LW2 - Protecting and enhancing local wildlife
- LW3 - Protecting and enhancing built heritage
- LW7 - Infill Housing Development in Leek Wootton Village

SUMMARY OF REPRESENTATIONS

Leek Wootton & Guy's Cliffe Parish Council - Members object to the proposal on the basis of its form and location.

WDC Conservation & Design - No comment in relation to revised scheme proposal.

WCC Highways - No objection to revised scheme subject to condition in relation to parking and access completion.

WCC Landscape - Neutral response to revised scheme, noting planting discrepancies. Recommend condition in relation to full landscape proposals should permission be granted.

WCC Ecological Services - Updated response in relation to submitted Protected Species & Habitat Walkover Survey. Recommend conditions in relation to further bat surveys, Construction Environmental Management Plan, and Combined Ecological and Landscaping Scheme.

Public Response - One neutral comment received noting the retention of access between No.1 and the proposed dwelling, and existing rainwater drainage to No.1.

ASSESSMENT

Principle of development

Section 5 (Delivering a Sufficient Supply of Homes), Paragraph 60 of the NPPF confirms the Government's objective of significantly accelerating the supply of homes.

Paragraph 79 of the National Planning Policy Framework indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Warwick Local Plan Policy H1 states that new housing in rural areas will only be permitted in Growth and Limited Infill Villages as shown on the Proposal Maps. Leek Wootton is allocated as a Growth Village as outlined within Policy H1. Any proposals for small developments within the defined settlement boundary would be permissible as the Growth Villages provide a range of services and facilities and are most suitable for housing growth in accordance with the range of sustainability indicators.

Policy LW7 of The Leek Wootton and Guy's Cliffe Neighbourhood Development Plan (LWGC Neighbourhood Plan) outlines that proposals for small scale infill development within the Growth Village Envelope of Leek Wootton village will be supported subject to relevant considerations.

The site has not been identified within Policy H10 (Allocated Sites in Growth Village) of the Local Plan and would therefore be considered as a windfall site as defined by Paragraph 69 of the NPPF and Policy DS7 (Meeting the Housing Requirement) of Warwick DC Local Plan. Policy DS7 sets out the Council's approach to identifying land for housing to achieve the housing requirement of a minimum of 17,139 new homes during the plan period.

Consequently, the windfall site lies within Growth Village envelope of Leek Wootton and the principle of residential development in this location is considered acceptable in principle.

Impact on the character and setting of the Conservation Area and wider streetscene

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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.

Warwick District Local Plan 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.

LWGC Neighbourhood Plan Objective 2 - Conservation states that any future development will need to conserve and enhance the historical assets of the community. It goes onto state that amongst other things that this will be done through ensuring that the new development is designed to respond positively to the setting of the Conservation Area and any listed buildings or other built heritage assets.

Paragraph 130 of the NPPF states that design quality should be considered throughout the evolution and assessment of individual proposals. Furthermore, Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

LWGC Neighbourhood Plan Policy LW3 states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that building(s) height, scale, and form, including the roofline, do not disrupt the visual amenities of the street scene and impact on any significant wider landscape views.

Policy NE4 states that new development will be permitted that positively contributes to landscape character, and Policy LW1 of the LWGC Neighbourhood Plan adds that development proposals should include landscaping schemes to protect and enhance landscape character within the Parish.

The site falls within the Leek Wootton Conservation Area. The proposed development would result in the demolition of a single-storey garage to the side of the existing dwellinghouse. Given the nature of the existing dwelling and its adjoining garage there is no objection to the removal of the garage structure in principle. There are substantial trees and other established vegetation to the Warwick Road frontage and side and rear perimeter boundaries, which provides a pleasant setting to these properties along Warwick Road and overall Conservation Area.

The design and layout of the proposed dwelling has evolved significantly during the course of the application. The dwelling has been both remodelled and reduced in scale, and a proposed detached garage has been omitted from the scheme.

As revised, the proposed layout plan shows that the detached three-bedroom dwellinghouse would be positioned at the centre of the site with associated car parking/ front garden and private amenity area. The plot size together with the siting of the proposed dwellinghouse would be comparable with the adjoining terrace of properties. The elevation plans show that the proposed dwellinghouse would be designed in a cottage style and would respect the vernacular architectural style of the existing and adjoining terraced cottages. The use of appropriate and traditional facing materials including red brickwork and painted timber windows has been illustrated, although a condition to secure submission of sample material details is viewed appropriate given the Conservation Area setting. As revised, the scale and mass of the proposed dwelling successfully acknowledges the scales of its surroundings as a subservient infill addition. The proposed development would maintain a 1m gap to the boundaries with No.1 Rock Cottage and the northern boundary with playing fields and as such would be read as two separate buildings/ sites.

The layout of the site area including No.1 would be revised to accommodate the new dwelling and associated access/parking. The existing driveway area would be widened, and existing hardstanding area notably increased in scale to

accommodate parking to both No.1 and the proposed dwelling. This would result in the loss of some existing planting within the site, alongside some of the existing grass frontage. Notwithstanding this, much of the changes would be to some extent screened by retained planting to the frontage of the site, and there would be no change to the notable rock outcrop that lies to the front boundary, setting the site above the level of Warwick Road. Existing hedgerow planting to the northern boundary of the site area would also be retained. With mind to these considerations, the revised layout is not viewed to result in material harm to the character of the Conservation Area setting. The WCC Landscaping consultant has recommended that in the case that consent is granted a condition to secure detailed landscaping specification is applied, a measure agreed by Officers.

Due to its set back position from Warwick Road and extensive trees/ vegetation, the development would have a limited impact on wider views of the site from public vantage points avoiding the generation of harm to the character of the Conservation Area. As a result, it is considered that the proposed development would accord with the NPPF, Policies BE1, HE1 and HE2 of the Warwick District Local Plan and Policies LW1 and LW3 of LWGC Neighbourhood Plan.

Impact on residential amenity

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

Neighbouring Amenity

The only immediately neighbouring dwelling to that proposed is the application site of No.1 Rock Cottages. To the north of the development site lies Leek Wootton Village Hall, positioned somewhat further rearward from Warwick Road.

The position of the proposed building would not result in any breach of the 45-degree guide from adjacent neighbouring No.1 Rock Cottages. As the only immediately adjacent property, this assessment guides a view that the development would not result in the generation of material harm to neighbouring amenity by way of loss of light or outlook.

In addition, the position of the fenestration at both ground and first floors is directed both forwards onto the shared frontage and rearwards into the private amenity space at the rear of the site. While some angled views into neighbouring No.1 would be possible from the rear of the new dwelling, this is an arrangement typical of the village setting of the site. Similarly, no amenity harm to uses of the Village Hall is identified as a result of the proposal. In view of this, no material harm by way of loss of privacy or overlooking of neighbouring sites is considered to be generated by the proposal.

An appropriate level of private outdoor amenity space well above WDC guidance would be retained to the rear of No.1 despite the loss of some existing garden area to the new dwelling. Distance separation significantly in exceedance of WDC guidance would be retained to properties opposite the 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 approximately 100sq m of private outdoor amenity garden space to its rear taken from the existing garden of No.1. This exceeds the WDC guidance figure of 50sq m for a dwelling of this scale.

In terms of noise and disturbance to occupiers of the proposed dwelling the position of the village hall immediately to the north of the development site is noted. Representation provided by Trustees of the Leek Wootton Village Hall raises concern regarding noise arising from the typical daily use of the hall on a dwelling of such proximity to the site. However, officers note the garden area of No.1 already abuts the village hall site, and that the hall already has a responsibility to prevent noise disturbance to existing residents. It is therefore viewed that the additional proximity of the proposed dwelling is unlikely to have a significant difference in the level of noise experienced. Through discussion with the Environmental Health Team it was also noted that no noise complaints have arisen from the site in the past five years.

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.

Access and Parking

Policy TR1 of the Warwick District Local Plan requires all developments to 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.

Vehicle access to the proposed dwelling is to be achieved through utilisation of the existing driveway access to No.1 Rock Cottages, avoiding significant visual impact to the frontage of the site. The existing access would be widened in line with WCC Highways recommendation, and an enlarged hardstanding parking area provided.

The proposed layout comprises the creation of two spaces to serve the proposed dwelling and the retention of two further spaces to be occupied by No.1. As a result, the proposed scheme accords with the WDC Parking Standards SPD in terms of parking provision.

WCC Highways raised no objection to the revised access and parking layout, which was viewed to accommodate appropriate turning capacity to allow forward entrance and exit from the site, and avoid the generation of any highway safety

issues. The appropriate completion of the designated parking areas is to be secured via condition.

The Highway Authority consider that there would be no harm to public or vehicular safety as a result of the proposal and as such Officers consider the proposal accords with Policies TR1 and TR3.

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. Further to this, policy LW2 of the LWGC Neighbourhood Plan adds that where appropriate new development should incorporate measures which would preserve, support or enhance local biodiversity.

The County Ecologist at WCC initially objected to the scheme on the basis that further information in relation to potential ecological implications should be provided prior to determination. Subsequently, a Protected Species & Habitat Walkover Survey was submitted, dated 11th January 2022. The report concluded that the site has demonstrated a lack of habitats for protected species with no evidence observed during a site visit, and broad recommendations were made in relation to securing biodiversity enhancement across the site. With mind to the considerations set out within the report the Ecologist issued an updated response recommending the imposition of several conditions to secure required on site measures and safeguards in relation to protected species and biodiversity gain. Officers agree with the requirement for further bat survey works and a combined ecological and landscaping scheme, the latter of which aligns with WCC Landscaping recommendation. While a Construction Environmental Management Plan (CEMP) condition was also recommended, Officers viewed such a measure was not reasonably required for a development of this scale given the considerations set out within the existing walkover survey.

In line with these considerations Officers are satisfied the proposal is acceptable in accordance with the provisions of WDC Local Plan Policy NE2 and LWGC Neighbourhood Plan Policy LW2.

Low Emissions Strategy

The Council's adopted Air Quality SPD sets out the level of mitigation that would be required to reduce the impact of emissions resulting from a particular development.

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Low Emissions Strategy/Air Quality SPD. Two charge points have been illustrated on the submitted layout details to serve both the new dwelling and spaces allocated to No.1. An appropriate condition to secure the relevant technical specification of these units would be applied to any grant of consent. As a result, the development is considered to incorporate appropriate measures in this regard. The scheme is therefore viewed to accord with the Council's adopted Air Quality SPD and Policy NE5 in this regard through proposing an appropriate form of mitigation.

Waste

As revised a single bin storage area has been detailed to the northern edge of the site, adjacent to its side boundary. The detailed store is of appropriate dimensions to accommodate the relevant waste storage requirement in line with specifications outlined in appendix I of the WDC Residential Design Guide. The bins may be sited to the front of site for collection purposes.

The proposal is therefore considered acceptable from a waste management perspective.

Water Efficiency

In order to achieve appropriate standards of water efficiency in line with Local Plan Policy FW3 a condition to ensure compliance shall be applied to any grant of consent.

Sustainability

Officers note that should members agree with recommendation to grant permission, a condition requiring compliance with Policy CC1 should be applied.

SUMMARY/CONCLUSION

For the reasons outlined above, Members are recommended to grant permission for the proposed works, subject to noted 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 '21.007-01a' submitted on the 6th August 2021, approved drawings '21.007-03f', '21.007-04H' submitted on the 29th April 2022, and specification contained therein. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 Notwithstanding the 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,

The dwelling shall not 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 The development hereby permitted (including demolition) shall not commence until further bat surveys of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON**: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 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 unless and until tree protection/ mitigation measures have been submitted to and approved in writing by the Local Planning Authority and the approved measures have been put into place. The approved measures must remain in place for the duration of construction works. The information to be submitted must include:

a) a detailed scaled plan (to a scale and level of accuracy appropriate to the proposal) showing the position of every tree on the site, and every tree on land adjacent to the site (including street trees) that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area etc) with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres;
b) a schedule of the trees surveyed as specified in paragraph 4.2.6 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction - Recommendations; and
c) a tree protection plan (to include protection measures during and after construction and any construction exclusion zones) (in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction) which also includes any proposal for pruning or other preventative works.

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

7 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. The replacement dwelling shall not be 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 to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

8 Prior to the occupation of the dwelling hereby permitted, two 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 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.

9 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring area for the new dwelling has been provided in accordance with the details shown on the approved drawings and thereafter that area shall be marked out and retained in perpetuity for use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.

10 The existing trees and shrubs indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any trees or shrubs removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with trees and shrubs of the same size and species as that originally planted . All trees and shrubs shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

11 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

12 Prior to the commencement of the development hereby permitted a detailed combined ecological and landscaping scheme shall be submitted

to and approved in writing by the Local Planning Authority. The plan should include details of habitat enhancement/creation measures such as native species planting, tree and hedgerow planting and provision of bat/bird boxes, and hedgehog boxes. The agreed scheme shall thereafter be implemented and retained in strict accordance with the approved details. **REASON**: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities and ecology of the area in accordance with the NPPF and Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

13 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 21 June 2022 **Item Number:** 7

Application No: W 21 / 1625

Registration Date: 26/08/21
Town/Parish Council: Leamington Spa **Expiry Date:** 21/10/21
Case Officer: Rebecca Compton
01926 456544 rebecca.compton@warwickdc.gov.uk

264 Valley Road, Lillington, Leamington Spa, CV32 7UE
Application for a change of use from a single dwelling (use class C3) to a children's residential care home for up to 4 children (use class C2). FOR Mr Malle
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This application is being presented to Committee due to the number of objection comments having been received.

RECOMMENDATION

That planning permission is granted.

DETAILS OF THE DEVELOPMENT

The application seeks permission for a change of use from a residential dwelling to a children's residential care home for up to 4 children. No external alterations ae proposed.

THE SITE AND ITS LOCATION

The application site is a two storey detached dwelling located within a predominantly residential area. The site is located on Valley Road, Leamington Spa.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)

- Royal Leamington Spa Neighbourhood Plan 2019-2029

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object due to concerns over the impact on neighbouring amenity and the lack of a management plan, details of shift patterns for staff, parking provision and details of where children would be referred from.

Cllr Russell: Objects due to concerns over impact on neighbouring amenity.

WCC Highways: No objection.

WDC Environmental Health: Recommend a condition requiring a management plan.

Public response: 9 objection comments received raising the following concerns:

- Impact on neighbouring amenity
- Inappropriate location for the use
- Impact on the character of the area

5 support comments received on the following grounds:
- Beneficial service for children and the community

ASSESSMENT

The main issues in the consideration of this application are:

- Principle of development
- Impact on adjacent properties
- Access and Parking

Principle of development

Policy DS5 of the Warwick District Local Plan and the National Planning Policy Framework requires consideration of the principles of sustainable development.

The Warwick District Local Plan does not have a policy which specifies where C2 uses should be directed. The application site is an existing residential dwelling that is located within the urban boundary of Leamington and is therefore considered to be located within a sustainable location. Therefore, in principle a C2 use in this location is acceptable subject to compliance with other Local Plan policies.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The existing property is a detached residential dwelling located within a residential area. The Environmental Health Officer has been consulted and initially raised an objection on the grounds that a children's residential care home in this location would result in loss of amenity to neighbouring residents.

Subsequently, the applicant has provided further information on how the care home will be managed on a day to day basis and how behaviours will also be managed by staff. This includes a set amount of free time for children to have outside of the home and ensure they return by a set time; sensors are fitted to all external doors to ensure children are not able to leave the home without authorisation or supervision from staff members.

The care home would facilitate accommodation for four young people and a minimum of one carer on site at any one time. There is a potential for increased comings and goings from vehicles due to shift changes and the transportation of residents to schools etc.

Officers consider it is unlikely to be highly dissimilar to a single residential dwelling. It is not considered that there would be any significant changes in character, noise or disturbance to what would be expected from a large family dwelling. As such, it is not considered that the proposed use would have any significant impact on the amenity of nearby residents.

It is noted that a number of objections have been raised from local residents raising concerns over noise and disturbance. Officers also note a number of support comments have been received stating the development will be of a benefit for at risk children and the local community.

The Environmental Health Officer has recommended a condition requiring a detailed management plan for this site to set out how the children's residential care home will operate to avoid any impacts on neighbouring residents. In addition, the management plan would set out how residents can proactively work with the care home to ensure any impacts on neighbours are minimised. Subject to a condition requiring a management plan, the proposal would comply with Local Plan Policy BE3.

Access and Parking

Policy TR3 of the Warwick District Local Plan 2011-2029 states that development will only be permitted that makes provision for car parking that does not result in on-street parking that is detrimental to highway safety. It also requires development to comply with the Parking Standards SPD. Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The adopted parking standards require the following car parking provision for a C2 use; 1 space / 3 residents staff + provision for an ambulance.

The supporting information confirms that the site will accommodate up to 4 children. The application site benefits from front driveway parking with ample space to accommodate the required 2 parking spaces. The Highways Authority have been consulted and have raised no objection to the proposals.

The proposal is considered to comply with Local Plan Policy TR3.

Other matters

The development does not propose any external alterations to the property and so the development would not have a harmful impact on the street scene.

Summary/Conclusion

It is considered that the proposed change of use would not have an adverse impact on the amenities of adjacent properties by creating unacceptable levels of noise and disturbance and is considered to comply with Local Plan policy BE3.

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 D1-A, and specification contained therein, submitted on 26th August 2021. **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 not be occupied unless and until an Operational Management Plan relating to the activities to be carried out pursuant to this planning permission has been submitted to and approved in writing by the District Planning Authority. The Operational Management Plan shall detail the measures that will be taken to minimise impacts on existing residential amenity, including noise and anti-social behaviour. Upon receipt of the written approval, the agreed Operational Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. The plan shall be reviewed, and this review agreed in writing by the District Planning Authority every year following approval. **Reason**: To secure a satisfactory form of

development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

4 The development hereby permitted shall not be occupied by more than 4 children at any time. **REASON**: To protect the amenity of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 21 June 2022 **Item Number:** 8

Application No: W 21 / 2125

Registration Date: 24/11/21
Town/Parish Council: Burton Green **Expiry Date:** 19/01/22
Case Officer: Millie Flynn
01926456140 millie.flynn@warwickdc.gov.uk

192 Cromwell Lane, Burton Green, Kenilworth, CV4 8AP
Erection of rear roof dormer and conversion of roof space, alteration of part two storey, part single storey rear extension and two storey side extension of previously approved scheme W/19/0504 (Retrospective Application) FOR Mr Paul Ward

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This application is being presented to Committee as it is recommended for refusal and the Parish Council supports the application and there have also been more than 5 support comments received.

RECOMMENDATION

Planning Committee is recommended to refuse permission for the reason set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Retrospective planning permission is sought for the erection of a rear dormer and the conversion of roof space; part one and part two storey rear extensions and a two storey side extension.

The current proposals represent a revised version of previously approved scheme W/19/0504 with alterations including the installation of No.1 rooflight to the front elevation at first floor and an increase in gable height to the rear.

THE SITE AND ITS LOCATION

The application site relates to a three-storey semi detached dwelling located on Cromwell Lane, Burton Green, Kenilworth. The section of Cromwell Lane to which the application relates is characterised by semi-detached properties of varying size and design, positioned within fairly narrow plots. The street scene is characterised by brick and rendered elevations.

PLANNING HISTORY

W/18/0101 - Erection of a two-storey side extension and part single storey part two storey rear extension – *granted 29.03.18*

W/19/0504 - Erection of a two storey side extension and part single storey part two storey rear extension, re-submission of W/18/0101 *-granted 15.05.19*

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)

Burton Green Neighbourhood Plan (2018-2029)

- BG7 - Responding to Local Character (BE)
- BG13 - Parking Provision (BE)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council: Supports the application.

WCC Ecology: Objects, recommends the provision of a bat box.

Councillor Richard Hales: Support, there is minimal impact on the streetscene and the proposal improves the property.

Public Response: 1 objection comment has been received from 190 Cromwell Lane on the grounds that there are large deviations to the original approved drawings, the proposal is not in keeping with the character of the area and loss of light and privacy.

4 support comments have been received on the following grounds:

- There are different properties within the streetscene, most with extensions, with varying roof elevations on different aspects.
- No visual impact on the streetscene.
- The dormer extension is in keeping with the style of the house, with appropriate materials used.
- Attention should be given to this case, it has been impacted by several delays, the project should be allowed to progress and be completed successfully.

ASSESSMENT

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

- Design and impact on the street scene;
- Impact on the amenity of neighbouring uses
- Ecology
- Parking.

Design and impact on the street scene

The NPPF (2021) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 130 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 130 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect, and reinforce local architectural distinctiveness. Of particular relevance to this application, this policy also requires proposals to respect surrounding buildings in terms of scale, height, and massing, and adopt appropriate materials and details.

Policy BG7 of the Burton Green Neighbourhood Plan requires all development to consider local character. Proposal should have sympathetic regard to their immediate setting and to the character of its surroundings.

The approved drawings from application: W/19/0504, have been amended to facilitate the erection of a rear box dormer, along with the conversion of roof space and there have also been alterations of the part two storey, part single storey rear extension and two storey side extension; alterations include the installation of No.1 rooflight to the front elevation at first floor and increase in gable height to the rear.

An objection comment has been received from 190 Cromwell Lane, who raises concerns regarding the large deviations to the original approved drawings and compliance with approved planning policies. Concerns were also raised regarding the proposal and whether it is in keeping with the character of the area and in line with existing properties within the streetscene.

The rear dormer structure lies wholly contrary to the provisions of the Residential Design Guide which outlines large, flat roof units will not be considered acceptable. The design, mass and bulk of this structure forms an incongruous design feature of poor design which Officers consider should not be supported. As such, the works

fail to accord with Policy BE1 of the Warwick District Council Local Plan. Whilst it is noted that such structures can be constructed under Permitted Development, in this particular case the attachment to rear gable extension means that planning permission is required.

The installation of the rooflight to the front elevation of the properly at first floor is considered to satisfy the limitations set out in Schedule 2, Part 1, Class C of the GPDO and therefore has not been assessed in this application for planning permission.

The increase in height of the gable feature to the rear of the property is considered to constitute good design, other properties along Cromwell Lane have similar features and it is considered the increase in height will have an impact on the streetscene and character of the property.

In regard to the two storey side extension the observed set down and back are the same as approved in application W/19/0504.

The design and scale of the addition to the roof, is not considered to harmonise with the surrounding built form, nor does it positively contribute to the character and quality of its environment through good layout and design. The proposal is therefore considered to conflict with the NPPF, Local Plan Policy BE1 and the Residential Design Guide SPD.

Impact on the amenity of neighbouring uses.

Warwick District Local Plan Policy BE3 requires that development have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of the neighbouring property. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses.

An objection comment has been received from 190 Cromwell Lane, who raise concerns regarding the impact of the proposal on the grounds of loss of light and privacy. However, it has been noted by Officers that were is no breach of the 45-degree line for either adjoining neighbours, 190 Cromwell Lane and 192 Cromwell Lane, when taken from the quarter point at ground floor and the halfway point at first floor, of the nearest habitable room. It is therefore considered that the impact that the extension will have on the amenity of the neighbours is acceptable, in terms of outlook, light and privacy, and in accordance with the Residential Design Guide SPED.

The proposal adheres to the separation distances set out in the Residential Design Guide SPED. As such, the proposal is not considered to result in an unacceptable loss of privacy for surrounding occupiers.

The impact that the proposal will have on the amenity of the current and future occupiers of the subject dwelling is considered acceptable. The applicant will be

left with adequate private amenity space in accordance with the Residential Design Guide SPED.

The works will have an acceptable impact on amenity and comply with Policy BE of the Local Plan and the Residential Design Guide SPD.

Ecology

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. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

The County Ecologist objected to the application, expressing concerns with the development given that this is a retrospective application, the bat records and foraging habitat in the area and the lack of update on previous survey works, it is possible potential roosting features for bats, may have been blocked or destroyed, when works were carried out. It has been suggested, in order to increase opportunities for these protected species, that two suitably placed bat boxes are erected within the application site. In the event the application was recommended for a approval bat boxes could be secured by condition. However, as the application is recommended for refusal this remains an outstanding issue.

The proposal is considered to present a risk to protected species, in conflict with the criteria of Policy NE2.

Parking

The proposal will not change the number of bedrooms in the dwellinghouse. The application site at present has capacity for two cars to be parked off-street. The proposal does not require any addition car parking provisions and the existing parking is to be retained.

The proposal is therefore acceptable in this respect and in accordance with Local Plan Policy TR3.

SUMMARY/CONCLUSION

It is considered that the erection of a rear box dormer constitutes poor quality design by virtue of being inappropriate in scale, dominating the rear elevation and is contrary to the Council's Residential Design Guide. The addition to the roof is considered to be out of keeping with the existing dwelling and also the architectural character of the local area. The proposal does not address the concerns of the County Ecologist in regards to the erection of two bat boxes within the application site. The development is therefore contrary to Local Plan Policy BE1 and NE2 and is recommended for refusal.

REFUSAL REASONS

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

In the opinion of the Local Planning Authority, the alterations to the approved scheme: W/19/0504 at 192 Cromwell Lane constitutes poor design, failing to respect the scale, design and character of the original property. The rear dormer structure lies wholly contrary to the provisions of the Residential Design Guide. The design, mass and bulk of this structure forms an incongruous design feature of poor design.

The proposal is therefore contrary to Policy BE1 and the NPPF which promotes good design.

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. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. It has been advised by the County Ecologist that two suitably placed bat boxes are erected within the application site, to increase opportunities for these protected species. However, there is an absence of such features on the proposed drawings.

Therefore, in the opinion of the Local Planning Authority insufficient information has been provided to demonstrate that the proposed development would not adversely affect protected species. The development is thereby considered to be contrary to the aforementioned policy and guidance.

Planning Committee: 21 June 2022 **Item Number:** 9

Application No: W 22 / 0313

Registration Date: 18/02/22
Town/Parish Council: Leamington Spa **Expiry Date:** 15/04/22
Case Officer: Emma Booker
01926 456521 Emma.Booker@warwickdc.gov.uk

68 Braemar Road, Lillington, Leamington Spa, CV32 7EY
Change of use from dwelling house (Use Class C3) to a small House in Multiple Occupation (Use Class C4) comprising 4no. bedrooms (max) FOR Mr H Singh
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This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

That planning permission be **granted** subject to the conditions recommended.

DETAILS OF THE DEVELOPMENT

Proposed change of use from a C3 dwellinghouse to a C4 HMO comprising 4 bedrooms.

The applicant has submitted amended plans to propose that the front wall at the front boundary of the site be removed in part and for the number of bedrooms to be reduced from 5 to 4 in total.

THE SITE AND ITS LOCATION

The application site is a two storey semi-detached property located in a predominantly residential context. The streetscene comprises semi-detached properties of similar design and scale.

PLANNING HISTORY

Planning history reveals that the property has been extended but this is not considered relevant the assessment of this application.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- H6 - Houses in Multiple Occupation and Student Accommodation
- TR1 - Access and Choice
- TR3 - Parking
- Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS4 - Housing Character Outside the Conservation Areas

SUMMARY OF REPRESENTATIONS

WDC Waste Management: No objection.

WCC Highways: Objection on the grounds of insufficent information. Requested the applicant to revise the scheme to reduce the occupancy or provide a justification as to why the Parking SPD cannot be complied with. Advised that if the development should generate demand for on-street parking, a survey should be submitted to indicate spare capacity.

WDC Private Sector Housing: Raised no objection and has provided a breakdown of the facilities required by the Council in order to meet their standards. Considers that there is sufficient storage space for refuse and recycling.

WDC Health and Community Protection: No objection.

Cllr Russell: Objects - considers the site an inappropriate location for a HMO due to parking stress and the site's proximity to a T-junction. A 5 bed HMO would not deliver adequate amenity for neighbours and future occupiers; concerns related to overcrowding and noise.

Leamington Spa Town Council: Objection on the grounds that insufficent parking is provided and inadequate living conditions.

Public response:

24 Objections from 21 addresses:
- insufficient parking
- the driveway is not wide enough for multiple cars
- highway safety concerns
- adverse impacts on neighbour amenity (displacement, noise and disturbance)
- inadequate living conditions for future occupiers
- inappropriate location for a HMO as the area is occupied by families
- concerns over refuse storage and waste management
- concerns over potential disturbance to protected species
- negative impact on the rural landscape
- the bus stop on Melton Road is closed
- electrical noise - the ability to receive radio reception will be hampered
- the bike racks are poorly designed and unlikely to be used

ASSESSMENT

Principle of Development

Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area

Policy H6 of the Local Plan states that planning permission will only be granted for Houses in Multiple Occupation (HMOs) where: -

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

b) the application site is within 400 metres walking distance of a bus stop;

c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;

d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and

e) adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Assessment:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

a) Within a 100 metre radius there are no other existing HMOs out of 96 residential units. The existing concentration level is at 0%.

b) The nearest bus stops are located along Lime Avenue close to the junction with Melton Road and Officers are satisfied that they are located within 400 metres walking distance of the property (the closest is 326m).

c) The existing property does not sandwich a non-HMO between HMOs.

d) It does not lead to a continuous frontage of HMOs.

e) The block plans indicate that the bins will be stored at the front of the site behind the retained section of the front wall. This would mean that the containers would be stored in an area visible by the general public. This storage arrangement does not strictly comply with e) of Policy H6 and objections have been received in relation to this. However, bin storage to the front of dwellings is a characteristic feature of this streetscene, and this is the current arrangement at the application site. There is no alternative due to there being no rear access. In considering the suitability of this arrangement in the circumstances of this particular development, it is noted that this requirement has been included in the policy because

HMOs tend to generate more waste than a typical C3 use. With the number of occupants being limited to 4 in this case, it is not considered that there is likely to be a material increase in refuse storage compared to what might be expected for the current lawful use of the property as a 3 bedroom dwelling. As a result, a refusal of planning permission would not be justified on refuse storage grounds alone.

A calculation of the concentration of existing HMOs in a 100m radius reveals that there are no existing HMOs amongst the 96 dwellings. The proposal would result in one HMO within the residential area surrounding the application site. Officers are satisfied that the proposal for one HMO within this residential area would not lead to an over concentration of HMOs at the localised level nor would it present a harmful impact to the amenity of the neighbouring properties in terms of noise, anti-social behaviour and other associated issues arising from a high concentration of HMOs in a particular area. It is noted that additional HMOs lie outside of the 100m radius. The ratio of residential properties to HMOs within the 100m radius would be 1.04%.

Impact on the character of the streetscene and neighbourhood

Objections have been received on the grounds that the HMO use would be out of character with the area, which as existing comprises a high concentration of young families. The partial demolition of the front wall is the only external alteration proposed to the site and it is not considered that this would be of detriment to the streetscene. The change in the use of the property is not considered to result in a visual change which would impact on the character of the street. The condition related to waste storage and parking will ensure that the C4 use protects the visual amenities of the street.

Impact on neighbouring properties

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 by the creation of visual intrusion.

The proposed change of use includes no external alterations. The proposal is therefore unlikely to have an impact on neighbouring residential amenity in relation to loss of light and outlook which would warrant reason for refusal of the application. One neighbour has objected on the grounds that the use of the conservatory in the night time would generate light pollution and impact on the neighbour's amenity. Officers do not consider that the use of the property as a small HMO would result in the conservatory being used more intensely than a typical C3 (dwellinghouse) use. Further to this, it has not been demonstrated that the use of conservatories at semi-detached dwellings in the night time has adverse impacts on neighbour amenity.

The Council’s Private Sector Housing department have been consulted and consider the proposal to provide suitable living conditions. They have provided

further guidance on what would need to be provided in the property, such as fixings and appliances but this goes beyond the remit of a planning application and is treated as being purely informative for the applicant for when an application for a licence is sought.

The Town Council have raised concerns with the potential for noise to transfer through the internal walls into the ground floor bedroom. The Health and Community Protection Officer has not objected on these grounds, nor have they recommended a condition related to noise mitigation measures (such as acoustic insulation). Bedrooms next to habitable spaces is not an unusual scenario in residential properties and this is not considered a reasonable reason for refusal.

Objections have also been received over concerns related to anti-social behaviour, specifically in reference to the potential for parties to occur at the site. The purpose of Policy H6 is to prevent unacceptable adverse impacts on amenity and to control the location of new HMOs in order to prevent these uses creating harmful concentrations of HMOs. It is recognised that additional HMOs can impact on local amenity where they lead to concentrations in very localised situations. In relation to the application site, the policy aims to prevent concentrations by ensuring that within a 100m radius of the site not more than 10% of dwellings are HMOs and also by preventing the "sandwiching" of a non-HMO between two HMOs or a continuous frontage of three or more HMOs. It has been established that the proposal is policy compliant with H6 and whilst anti-social behaviour is recognised to be a consequence of high concentrations of HMOs, Officers do not consider it reasonable to resist granting planning permission over the potential for anti-social behaviour to occur and impact on neighbour amenity from a single HMO. Matters such as this are covered by separate legislation outside of planning and it is considered that such a low concentration of HMOs in this area of Lillington would sufficiently mitigate the impact of the proposed use on amenity.

The proposal is considered to be in accordance with Local Plan Policy BE3.

Parking & Highway Safety

The proposal as originally submitted was for a 5 bedroomed HMO which would be required to provide 3 off road parking spaces.

The applicant has offered to remove the front garden wall in order to provide easier access and egress from the driveway for the future occupiers. The driveway is capable of accommodating two parked vehicle in accordance with the SPD as per the amended plan and Officers are satisfied that there would be sufficient circulation space provided for the manoeuvring of bikes and bins.

As a 5-bed HMO was therefore an initial shortfall of one parking spaces, and this was considered unacceptable because the applicant has not submitted a parking survey to demonstrated that there would be spare capacity in a street which is already oversubscribed for off-street parking. Neighbours, the Town Council and the Highway Authority at the County Council have objected on these grounds.

In light of this issue, the proposal has been amended to reduce the occupancy from a 5 bedroomed HMO to a 4 bedroomed HMO. The SPD now requires two

parking spaces to be provided – equal to that already provided at the site. The proposed change of use is not considered likely to result in on street parking demand due to suitable off street provision and therefore the development is considered policy complaint.

A condition will be attached to the decision notice to restrict the maximum occupancy of the HMO to 4 bedrooms in the interest of parking and neighbour amenity. A further condition will secure the demolition of the front boundary wall so that parked vehicles may access and egress the site independently.

Bikes are proposed to be stored in the garage.

Conclusion

The proposed change of use is considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area. There would be no increased demand for parking as a result of the change of use provided that the recommended condition to restrict occupancy to 4 bedrooms and 4 individuals at a maximum is adhered to. The proposed change of use is therefore recommended for approval.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2022/68/02 REV A and 2022/68/03 REV A, and specification contained therein, submitted on 31st May 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies TR3 and BE3 of the Warwick District Local Plan 2011-2029.

3 The use of the dwellinghouse as a C4 HMO hereby permitted shall be not commence unless and until the car parking provision has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling in strict accordance with the approved drawings. Thereafter those spaces shall be retained for parking purposes at all times and the front wall may not be extended in width in any way. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the Local Planning Authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.

4 The number of bedrooms occupied in the C4 HMO hereby permitted shall not exceed four and the number of individuals residing in the property shall not exceed four. **REASON:** To ensure the satisfactory

provision of off-street parking in accordance with the local planning authority's standards and in the interests of highway safety in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 21 June 2022 **Item Number:** 10

Application No: W 22 / 0338

Registration Date: 22/02/22
Town/Parish Council: Kenilworth **Expiry Date:** 19/04/22
Case Officer: Millie Flynn
01926456140 millie.flynn@warwickdc.gov.uk

27 Fieldgate Lane, Kenilworth, CV8 1BT
Erection of detached single storey garage. FOR Mr & Mrs Lilley

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This application is being presented to Committee due to the number of objections received and the recommendation being for 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 erection of a detached single storey garage.

THE SITE AND ITS LOCATION

The application site relates to a two-storey detached dwelling located on the west side of Fieldgate Lane, Kenilworth. The property is located within the Kenilworth Conservation Area. There are 7no. TPO trees located around the periphery of the site.

PLANNING HISTORY

W/21/2068 - Erection of single storey side and rear extension. Alterations to existing garage roof – *Granted 24.12.21.*

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- HE1 - Protection of Statutory Heritage Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Kenilworth Neighbourhood Plan (2017-2019)
- KP13M - Design Management in Fieldgate Lane

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection.

WCC Ecology: No objection, recommended notes attached.

WDC Tree Officer: No objection, subject to a pre-commencement condition.

WDC Conservation Officer: No objection, subject to submission and approval of all external facing and roofing materials, covered via condition.

Public Response: 9 objections have been received on the following grounds:

- The proposal represents a substantial addition, with the proposed location of the garage falling close to TPO trees.
- The erection of the garage is against the historic plan.
- Out of keeping with the Conservation Area.
- The large, detached garage will detract from the street scene and fundamentally affect the appearance of the historic group.
- Inappropriate development for the site, it does not conserve the open nature of the gardens between 25 and 27 Fieldgate Lane.
- The development is contrary to Local Plan Policies BE1 and HE2.
- The development in contrary to Neighbourhood Plan Policy KP13 and KP13M.

ASSESSMENT

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

- Design of the proposed extension and impact on the character of the area and street scene, including the character and appearance of the conservation area.
- Impact on the amenity of neighbouring uses.
- Ecology.
- Other matters.

Design of the proposed extension and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

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

Paragraph 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.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied.

Local Plan Policy BE1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and through good design. The adopted Residential Design Guide SPD also sets out design principles to which development proposals will be expected to comply.

Policy KP13M of the Kenilworth Neighbourhood Plan identifies the key characteristics of the Fieldgate Lane Character Area. This includes the group of thatched houses on the western side of the street and in particular No. 25 which forms a very significant part of the group.

Objections have been received stating the proposal is of a substantial size, which will detract from the streetscene and fundamentally affect the appearance of the historic group, as it does not conserve the open nature of the gardens between 25 and 27 Fieldgate Lane. It has also been noted by members of the public that the proposal seems out of character with the Conservation Area and contrary to Local Plan Policies BE1 and HE2 and Neighbourhood Plan Policies KP13 and KP13M.

The Conservation Officer raises no objection to the proposed work, stating the location of proposed garage is set back from the roadside and away from the main body of the house. The dwelling is located away from the group of thatched houses, which forms an important feature of the Kenilworth Conservation Area, with its own large grounds which allows for some leniency regarding a detached garage, an uncommon feature on the road. The grounds provide the space for the garage without placing it within direct competition to the dwelling.

The proposed works offer a visually interesting design, with a dovecote feature, giving the garage personality rather an uninspiring flat roof structure; as the houses within the vicinity are on an 'Arts and Crafts' style, the considered design is important. The drawings propose the use of high-quality materials, which are more in keeping with the heritage asset. For these reasons the proposed development is not considered to result in harm to the character of the Conservation Area.

The proposed development is therefore considered to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework, Local Plan Policies BE1 and HE1, Neighbourhood Plan Policy KP13M and the Residential Design Guide SPD.

Impact on the amenity of the neighbouring uses

Warwick District Local Plan Policy BE3 requires development to have acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of the neighbouring property. This aims to

prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses.

There is a breach of the 45-degree line when taken from the adjoining neighbours (No.25) nearest ground floor window. However, this window does not serve a habitable room and therefore the 45-Degree Guideline does not apply. It also noted that the breach is at appoint some distance from the window (approximately 7.7m). Therefore it is considered that the proposal would not result in unacceptable harm to the amenity of the neighbouring residents by reason of loss of light, outlook, and privacy.

The works will have an acceptable impact on amenity and comply with Policy BE3 of the Local Plan and the Residential Design Guide SPD.

Ecology and Trees

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. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

The County Ecologist has made comments on the application, stating that the proposed works should be carried out sensitively and if any protected species are found then works should stop immediately. Explanatory notes are considered sufficiently proportionate to the scale of works and will advise the applicant of their responsibilities regarding protected species, therefore notes regarding birds and hedgehogs will be placed on any granted approval.

Objections have been received stating that the proposal falls close to TPO Trees. The Council's Arboricultural Officer has reviewed the information submitted and considers that provided the development takes place in accordance with the Arboricultural Method Statement then it will not harm the trees. This can be secured by condition.

Therefore, it is considered there would be no harmful impact on trees that make an important landscape amenity contribution and the proposals therefore accord with Local Plan Policy NE2.

SUMMARY/CONCLUSION

The development proposals are considered to be in keeping with the character and appearance of the property and the surrounding Conservation Area. In addition, the proposals are not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to outlook and amenity, nor would they cause harm to TPO trees around the site or protected species. The proposals are in accordance with the aforementioned policies, and the application is therefore recommended for approval.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 21.022-04E submitted on 22nd February 2022, 21.022-08C submitted on 11th May 2022 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 Prior to the commencement of the development hereby approved (including all preparatory work), the tree protection measures in the MPL Tree Consultancy Arboricultural Impact Assessment, reference PD 002242A dated April 2022 including their Arboricultural Method Statement and appended Tree Protection Plan, together referred to as the scheme of protection, shall be implemented in full. The development thereafter shall be carried out in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

4 No development shall be carried out above slab level unless and until samples of the external facing and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 21 June 2022 **Item Number:** 11

Application No: W 22 / 0432

Registration Date: 09/03/22
Town/Parish Council: Leamington Spa **Expiry Date:** 04/05/22
Case Officer: Michael Rowson
01926 456645 michael.rowson@warwickdc.gov.uk

27 Eastfield Road, Leamington Spa

Variation of Condition 8 (obscure glazing) of planning permission ref: W/20/2126 (Demolition of existing dwellinghouse and of erection of replacement dwellinghouse together with associated hard & soft landscaping works) to remove reference to the south facing landing window FOR Mr & Mrs Darling

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application is for the variation of condition 8 (obscure glazing) of planning permission ref: W/20/2126, which was for the erection of a replacement dwelling, to permit the replacement of obscure glass with clear glass for a window in the first-floor south elevation which serves the landing.

SITE DESCRIPTION

The site is at the east end of Eastfield Road, a cul-de-sac which appears to originally have been a rear service road for dwellings facing onto Newbold Terrace East to the south and Upper Holly Walk to the north. At the point of site visit, a two-storey detached house was under construction at the site. The principal elevation of that dwelling faces west, like the dwelling it replaced.

To the north of the site are the large grounds of the modern apartment block known as Whittle Court. The rear element of the northern boundary is flanked by the rear gardens of residential properties known as The Grange, Upper Holly Walk.

To the east is the substantial rear garden area of the property, measuring approximately 65 metres from the rear elevation of the dwelling, stretching towards the rear of the properties forming a cul-de-sac of 9 dwellings on Newbold Terrace East.

To the south are the rear elevations of other properties that also front the main highway of Newbold Terrace East. Two of these properties (Nos.37 and 38) are Grade II Listed Buildings.

To the west is the carriageway of Eastfield Drive. The road has a range of modern properties that front onto the road together with outbuildings associated with the older dwellings that front onto adjacent streets.

The property is on the very edge of the Leamington Spa Conservation Area. The Conservation Area boundary cuts across the centre of the site.

RELEVANT PLANNING HISTORY

W/20/2126 - Demolition of existing dwellinghouse and of erection of replacement dwellinghouse together with associated hard & soft landscaping works - Granted 1 July 2021.

The Committee Report did not include a condition relating to obscure glazing of the subject window. However, Members resolved at the July 2021 Planning Committee Meeting that permission be granted, subject to a condition requiring this window to be obscure glazed.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE5 - Protection of Natural Resources
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS3 - Conservation Area
- RLS12 - Air Quality
- RLS13 - Traffic and Transport

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

Conservation Officer: No objection.

Public Response: 8 objections have been received on grounds of loss of privacy to rear gardens and properties due to overlooking and the proposal being contrary to the Residential Design Guide SPD.

ASSESSMENT

Impact on neighbouring living conditions

The window in question is positioned in the south elevation of the dwelling under construction at the site and will serve a first-floor landing area within that dwelling. The window is larger than average, measuring 2.7m in height and 2.4m in width. The window is to be recessed behind the main elevations of the building, somewhat limiting the field of view from it.

The closest neighbours to the south are Nos. 37-40 (consecutive) Newbold Terrace East and a number of those neighbours have objected to the proposal on grounds of loss of privacy and overlooking of their rear gardens and rear facing windows.

Local Plan Policy BE3 seeks to prevent any unacceptable adverse impact on the amenity of nearby residents. Warwick District Council's Residential Design Guide SPD includes minimum separation distances for various scales of buildings. One of the intentions stated within the Guide is to "*provide a consistent approach to the decision-making process thereby securing a level of certainty for architects, designers and those wishing to carry out development, thus avoiding potential confrontation and delay".* The Guidance is not intended to be the only material consideration and other material considerations also need to be taken into account.

The SPD stipulates a minimum separation distance of 22m between two storey dwellings, and a separation distance of 27m between a two-storey dwelling and a two-storey building with the first floor comprising habitable rooms other than bedrooms (for example a two-storey building separated into flats with living spaces facing towards the dwelling). A minimum separation distance of 27m is stipulated between a three-storey dwelling and a two-storey dwelling.

The dwelling under construction has small areas of mezzanine floor within the roof space. However, it is considered to be a two-storey dwelling for the purposes of this assessment.

The closest, and therefore most impacted, neighbours are Nos.39 and 40 Newbold Terrace East. No.40 Newbold Terrace East is a part two storey, part three storey dwelling with the three-storey section facing Newbold Terrace East and a large two storey element at the rear. The relationship between the closest rear facing windows (in the two-storey element) at that property would be the same as two, two storey dwellings and therefore a 22m separation distance is required by the SPD. The distance between the two properties is approximately 25m, thereby exceeding the minimum distance stipulated in the SPD. In addition, the third-floor rear facing windows are separated by at least 27m as required.

No. 39 Newbold Terrace East is the handed version of No.40 and has been subdivided into flats. A resident of that building has confirmed that the rear facing window at ground floor level serves a kitchen and that the rear facing window at

first floor level serves a bedroom. This is the same relationship as if the building were a two-storey dwelling and therefore a 22m separation is considered relevant here. The proposal exceeds this distance. The third-floor rear facing windows are over 40m distant, exceeding the guidance distance.

Other material considerations also need to be taken into account. These include the fact that the window in question serves a landing area, not a habitable space, and therefore there is less likelihood of actual overlooking arising, although it is recognised that the size of the window may lead to a greater perception of perceived overlooking.

The applicant notes that No.39 has no rear boundary wall and that a pedestrian would be able to see into the rear facing ground floor windows to a greater degree than from the subject window. This has been considered along with the fact that a vehicle is often parked outside the ground floor window at that property which further limits loss of privacy (this is evidenced by site visits and historic aerial photography).

The other dwellings within the terrace are a greater distance from the subject window and are separated by rear boundary walls and / or outbuildings, further reducing the impact on the perceived or actual loss of privacy at those properties, especially at ground floor level.

CONCLUSION

Officers are satisfied that the relative distances satisfy/ exceed the minimum distances stipulated in the SPD. This separation distance, alongside other material considerations, is considered acceptable to prevent any unacceptable loss of privacy at neighbouring properties and it is therefore considered unnecessary to require the window in question to be obscure glazed.

Based on the above, the application to remove reference to the landing window from the obscure glazing condition is recommended for approval.

CONDITIONS

1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 235-090 Rev B, 235-091 Rev A, 235-092 Rev A, 235-095 Rev A, 235-096 Rev A, 235-097, 235-098 and 235-099, and specification contained therein, submitted on 21 December 2020; unnumbered documents and plans titled 'Entrance Door Image', 'Facing materials 1', 'Facing materials 2', 'Facing materials 3', 'Fixed window', 'Frameless roof window', 'Natural zinc weathering', 'SiooX cedar weathering' and 'Wildflower Blanket System', received on 26/11/2021; document titled 'Sky Garden Wildflower Blanket Data Sheet SGWB01', submitted on 16 February 2022; documents and plans titled 'Typical drawing cortizo single door', '20mm 2 TRACK - LogiKal – Section', '20mm Virtually, 'Frameless - 3 panel on a triple track O2551-01', 'External Door Thresholds 235/615', 'Window Cills 235/616', 'Eaves Details 235/620', 'Eaves Details 235/630', 'Parapet Details 235/635', 'Automated Main Entrance/Vehicle Gate

235/697', 'Main Entrance Door D10 235/698', 'Cortizo Fixed Window Detail' and 'Cortizo window typical CAD', received on 26 November 2021; and unnumbered plan, titled 'Block Plan', submitted on 11 May 2022. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011 – 2029.

2 The development hereby permitted shall only proceed in strict accordance with the approved document titled 'CMP (Construction Management Plan) Version 3 2021.09.05', received on 05/09/2021. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

3 Prior to the first occupation of the development hereby permitted, details of at least one appropriate replacement tree species for each tree removed as a result of the development shall be submitted to and approved in writing by the Local Planning Authority to mitigate for the loss of the trees to be removed as part of the development and the location shall be identified on a layout plan.

Thereafter, the tree shall be planted within the first planting season following the first occupation of the dwelling. Should the tree) fail within the first five years after planting, they shall be replaced with an equivalent species.

REASON: To protect and enhance the amenity of the area and in the interests of Biodiversity.

4 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. The 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 to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

5 Prior to the occupation of the development hereby permitted, the bedroom window located on the south elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window shall be retained and maintained in that

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

Planning Committee: 21 June 2022 **Item Number:** 12

Application No: W 22 / 0579

Registration Date: 04/04/22
Town/Parish Council: Leamington Spa **Expiry Date:** 30/05/22
Case Officer: George Whitehouse
01926 456553 george.whitehouse@warwickdc.gov.uk

47 Beverley Road, Leamington Spa, CV32 6PW
Erection of a two storey front with render, side and single storey front, side and rear extensions (Resubmission W/21/1913) FOR Mr & Mrs Barrett

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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 for the reasons set out in the report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a two storey front, side and single storey front, side and rear extensions and rendering to front and rear of the main gable.

THE SITE AND ITS LOCATION

The application property is a buff and red brick chalet style dwelling set within a large corner plot between Beverley Road and The Fairways. The property benefits from flat roof side and rear elements and long horizontal box dormers.

PLANNING HISTORY

W/21/1913: Withdrawn for- Proposed erection of 2x two storey side extensions and single storey rear extension. Revisions to detailing and fenestration.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS2 - Housing Design

SUMMARY OF REPRESENTATIONS

Leamigton Spa Town Council: No objection.

Public Response: 9 objections based on loss of light and outlook, harm to the street scene and character of the area and openess of the corner plot. 1 neutral comment.

WCC Ecology: No objection subject to notes relating to protected species.

ASSESSMENT

Design and layout

Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore the Residential Design Guide SPD provides a detailed framework which should be followed in order to achieve good design.

The NPPF places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people.

The proposals have been substantially amended from the previous submission in order to better reflect the aims and objectives of the Residential Design Guide. The proposals are considered to maintain the positive aspects of the character of the original chalet style dwelling whilst removing the unsightly flat roof side and rear elements and long horizontal box dormers and therefore improving the character and quality of the dwelling. In addition to this the proposals maintain the openness of the corner plot and do not result in any unacceptable harm to prevailing character of the street which is considered to be characterised by individually designed modern dwellings sat back from the highway in spacious plots. The proposals do not come forward of the general building line of the street and this is considered acceptable.

Objections refer to render not being appropriate however there is render present in the street and render is considered an appropriate and attractive modern building material suitable for the immediate context of Beverley Road. A condition is recommended to secure samples of facing materials.

Some of the objections refer to the slight set back of dwellings as they approach the corner of the street being a design feature that should be maintained. However, it is considered this is a secondary feature of the street scene that is not a significant enough contributor to the character and appearance of the road to warrant protection. A significant set back from Beverley Road will remain. The

proposals maintain the general building line and the openness of the corner plot is sufficiently protected by the proposals.

The proposals maintain a 1m gap to the immediate neighbours and are not considered to result in development which is contrary to the character and quality of the street scene.

It is considered the proposals result in an improved character and quality of the dwelling and result in no unacceptable harm to the street scene. It is considered therefore the proposals comply with Neighbourhood Plan Policy RLS2, Local Plan Policy BE1 and the Residential Design Guide SPD.

Amenity

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. There is no breach of the 45 degree guideline and the proposals are not considered to result in unacceptable harm to the amenity of neighbouring occupiers.

It is considered the proposals comply with Local Plan Policy BE3.

Parking and access

As existing the dwelling requires 2 off street parking spaces to accord with the Council's adopted parking standards. As proposed the dwelling requires 3 off street parking spaces. There is sufficient space in the parking area shown to the front of the property to accommodate the additional required space. The proposals are therefore in compliance with the Council's adopted parking standards.

The proposals comply with Local Plan Policy TR3 and The Council's adopted Parking Standards.

Summary

The proposals do not result in an unacceptable impact on the streetscene, amenity of neighbouring occupiers including their parking choices nor do they unacceptably impact protected species. The amended proposals therefore comply with Local Plan Policies BE1, BE3, TR3 and NE2 and the Council's adopted parking standards and Residential Design Guide. It is therefore recommended 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 drawings 2203-01D, 2203-02C, and specification contained

therein, submitted on 04/04/2022. **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 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

4 Prior to the occupation of the development hereby permitted, the first floor windows in the north-east facing elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.