Planning Committee
Wednesday 2 March 2022

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Wednesday 2 March 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 M Ashford
Councillor R Dickson
Councillor O Jacques
Councillor J Kennedy
Councillor V Leigh-Hunt
Councillor C Quinney
Councillor N Tangri
Councillor J Tracey
Whitnash Residents Association Vacancy

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**

To confirm the minutes of the Planning Committee meeting held 1 February 2022 **(Pages 1 to 9)**

Part B – Planning Applications

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

5. **W/21/0263 – Land North of Bakers Lane, Knowle, Solihull (Pages 1 to 11)**

6. **W/21/0862 – St Andrews House, Southam Road, Radford Semele (Pages 1 to 18)**

7. **W/21/1204 – 32 Littleton Close, Kenilworth (Pages 1 to 5)**

8. **W/21/1490 – 33 Inchbrook Road, Kenilworth (Pages 1 to 5)**

9. **W/21/1846 – 27 Keytes Lane, Barford (Pages 1 to 5)**

Part C – Other matters

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

Please note:

(a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.

(b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.

(c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at Speaking at Planning Committee any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.

(d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.

(e) occasionally, items are withdrawn from the agenda after it has been published.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

Published Tuesday 22 February 2022

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

Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the 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 Tuesday 1 February 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Committee Services Officer – Rob Edwards, Legal Advisor – Caroline Gutteridge; Business Manager – Sandip Sahota; and Principal Planning Officer – Dan Charles.

132. **Apologies and Substitutes**

(a) Apologies were received from Councillor Tangri; and

(b) Councillor Falp substituted for the Whitnash Residents Association vacancy.

133. **Declarations of Interest**

There were no declarations of interest made.

134. **Site Visits**

The following site visits had been undertaken prior to the meeting:

W/21/0066 – Little Fieldgate, 55 Fieldgate Lane, Kenilworth – Councillors Dickson, Jacques and Kennedy made independent site visits to this address.

W/21/0263 – Land North of Bakers Lane, Kenilworth – Councillor Dickson made an independent site visit to this address.

W/21/1084 – Southfields, 57 Lillington Road, Royal Leamington Spa – Councillor Jacques made an independent site visit to this address.

W/21/1664 - Bluff Edge, Barford Road, Barford - Councillor Jacques made an independent site visit to this address.

W/21/1609 – 32 Wellesbourne Road, Barford - Councillor Jacques made an independent site visit to this address.

135. **Minutes**

The minutes of the meeting held on 11 January 2022 were taken as read and signed by the Chairman as a correct record.

136. **W/21/1084 – Southfields, 57 Lillington Road, Royal Leamington Spa**

The application was withdrawn from the agenda prior to the meeting to enable officers to carry out some further investigation prior to determination as to whether the site would be considered a C2 or C3 use

class from both a planning and legal standpoint, as this would have a bearing on the consideration of the application.

137. **W/21/0263 – Land North of Bakers Lane, Knowle, Solihull**

The Committee considered an application from Mr Smith for the change of use of land to the keeping of horses, erection of stables, construction of all-weather riding arena and laying of hardstanding. (Amendment: hay barn omitted from scheme, hardstanding reduced in size and access provided to paddock area).

The application was presented to Planning Committee because of the number of objections received, including from Lapworth Parish Council.

The officer was of the opinion that that the proposal was an appropriate form of development within the Green Belt. The scale of the building was considered to be appropriate for the land holding. The proposal raised no objection in design or amenity terms and was considered acceptable in relation to highway safety and impact on protected species.

For the above reasons, the proposal was recommended for approval, subject to conditions.

An addendum circulated prior to the meeting informed Members that additional representations had been received, including four letters of objection, an email from Saqib Bhatti MP on behalf of a constituent who objected to the application, and a Briefing Note which was sent to Members from the Local Residents Group who raised concerns about the application.

The following people addressed the Committee:

- Mr Gregory, speaking in objection; and
- Councillor Illingworth, District Councillor, speaking in objection.

Although WCC Highways had carried out an assessment and had raised no objection to the application, the Committee wanted to clarify whether they had carried out a site visit as part of that assessment. Members also raised a point that there was no reference in the report in the Summary of Representations from the Campaign for the Protection of Rural England (CPRE), who had submitted a lengthy objection and who had submitted a request for enforcement action on the wider site, and whose correspondence on the Council Planning Portal included a phrase referring to "let the photos speak for themselves"; photographs which did not appear to be on the Planning Portal. Members felt a site visit would be helpful to consider the cumulative effect of the various applications related to this site.

Following consideration of the report, addendum, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Falp that the application be deferred.

Resolved that W/21/0263 be **deferred** to allow for a site visit to be undertaken, and to enable the Committee to see the full submission from Campaign for the Protection of Rural England (CPRE) including

their photographs, along with more information being received from WCC Highways including confirmation of their site visit.

138. **W/21/0066 – Little Fieldgate, 55 Fieldgate Lane, Kenilworth**

The Committee considered an application from Mr Davis for the demolition of an existing bungalow and the erection of one two-storey dwelling.

The application was presented to Planning Committee because of the number of comments in support, when the application was recommended for refusal.

The officer was of the opinion that the proposal was considered harmful to both the setting of the Grade II Listed Building and Conservation Area. Although this harm was considered to be less than substantial, there were no public benefits to outweigh this with no clear or convincing justification presented, contrary to the aforementioned policy and legislation. Therefore, it was recommended the application should be refused.

The following people addressed the Committee:

- Mrs Nicholson, speaking in support.

A motion to grant the application, contrary to the recommendation in the report, was proposed by Councillor Kennedy, seconded by Councillor Jacques and on being put to the vote was lost.

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

Resolved that W/21/0066 be **refused** because Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state 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.

The proposal is considered harmful to both the setting of the Grade II listed building and Conservation Area. Although this harm is considered to be less than substantial, there are no public benefits to outweigh this with no clear or convincing justification presented, contrary to the aforementioned policy and legislation. No public benefits have been identified to outweigh this harm.

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

139. W/21/1664 – Bluff Edge, Barford Road, Barford

The Committee considered an application from Mr Guy for the erection of a first-floor extension above upper and lower ground floor levels; two storey front extension to lower ground level and proposed erection of single storey front extension to upper ground level; and the erection of a detached carport and replacement of an existing storage unit and the erection of entrance gates.

The application was presented to Planning Committee because more than five public responses supporting the application had been received, when the application was recommended for refusal.

The officer was of the opinion that the proposals resulted in a 97% increase over and above the original dwelling and therefore resulted in a disproportionate addition within the open countryside 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:

- Mr Guy, speaking in support.

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

Resolved that W/21/1664 be **refused** because Policy H14 in the Local Plan states that extensions to dwellings in the open countryside will be permitted unless they result in disproportionate additions to the original dwelling (excluding any detached buildings), which

a) do not respect the character of the original dwelling by retaining its visual dominance;
b) do not retain the openness of the rural area by significantly extending the visual impression of built development; or
c) substantially alter the scale, design and character of the original dwelling.

As a guideline for properties outside of the designated Green Belt but within the designation of the open countryside, additions (taking into account any previous extensions) that represent an increase of more than 40% to the gross floor space of the original dwelling excluding any detached buildings, are likely to be considered disproportionate.

The proposed extensions, the subject of this application when also taking account of previous additions, equate to a 97% increase in the size of the building, with the addition of a first floor which is considered to, be contrary to the character of the original dwelling increasing its visual dominance,

reducing openness by significantly extending the impression of built development and substantially altering the scale, design and character of the original dwelling. On this basis it is considered that the proposal is unacceptable and contrary with the objectives of this local plan policy.

In the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building.

The proposed development is therefore contrary to the aforementioned policies

140. **W/21/1443 – Land to the South and West of Coventry Airport, Coventry**

The Committee considered a reserved matters application from the Coventry and Warwickshire Development Partnership, pursuant to Condition 1 of planning permission ref: W/18/0522 (outline application including details of access for the comprehensive redevelopment of land South of Coventry Airport) for details of access, appearance, landscaping, layout and scale of the primary electrical substation for the site.

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

The officer was of the opinion that the development formed a detailed part of the wider site development approved under an earlier outline permission. The principle was therefore acceptable subject to an assessment being made of the other relevant planning considerations. The proposal constituted appropriate development in the Green Belt and would not impact on openness. There were no environmental health concerns about the proposal in terms of noise and general disturbance and therefore together with the distance to the nearest neighbouring properties officers were satisfied that the substation would not result in material harm to residential amenity. Having regard to the constraints which limited the location of the substation along with the revised landscaping proposals that illustrated the extent to which it would be screened, the development was also considered acceptable in terms of its visual impact. The recommendation was therefore to approve planning permission, subject to conditions.

An addendum circulated prior to the meeting advised that two further objections had been received.

Following consideration of the report, addendum and presentation, it was proposed by Councillor Dickson and seconded by Councillor Quinney that the application be granted.

Resolved that W/21/1443 be **granted** subject to the following conditions:

No.	Condition
(1)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the following approved drawings, except as required by condition 2: GSC-PPL-HAD-OF-DR-CE-SK83 C, GSC-PPL-HAD--OF-DR-CE-105 K, GSC-PPL-HAD-OF-DR-CE-135 J, GSC-PPL-HAD-OF-DR-CE-SK124,MN210498-ELEC-003, MN210498-ELEC-009, TR1, B 707.1 Issue.2 and 31460-FE-028 A and specification contained therein, submitted on 28 July 2021 and revised drawing GSC-BCA-ELS-XX-DR-LA-1839-18-27-S5 Rev.P4 and specification contained therein, submitted on 20 December 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;
(2)	pursuant to Condition 1 of outline planning permission ref: W/18/0522, a schedule of materials to be used on the development hereby permitted, including the finish and colour, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; and
(3)	the development hereby permitted shall be carried out in accordance with the details in the document entitled 'Substation Assessment' 103600-VAN-EN-PN-001 Rev.R00 (14 December 2021). All plant shall be installed with the same or lower sound power characteristics than those specified in the aforementioned report. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

141. **W/21/1609 – 32 Wellesbourne Road, Barford**

The Committee considered an application from Mr and Mrs Taylor-Watts for the erection of a detached outbuilding providing a garage and gym at ground floor and an office above.

The application was presented to Planning Committee because an objection had been received from Barford, Sherbourne and Wasperton Joint Parish Council.

The officer was of the opinion that the development proposals were in keeping with the character and appearance of the property and the surrounding conservation area. In addition, the principle of development had previously been established and the proposals were not considered to cause harm to heritage assets. Moreover, the proposals were not considered to present a harmful impact upon the amenity of the neighbouring properties. The proposal was considered to be in accordance with the policies listed and it was therefore recommended for approval.

Following consideration of the report, and presentation made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Tracey that the application be granted.

Resolved that W/21/1609 be **granted** subject to 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 drawing(s) 1603-0500-03 and specification contained therein, submitted on 21st December 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)	prior to commencement of the development hereby permitted, the tree protection measures recommended in the Arboricultural Impact Assessment and Method Statement reference jwmb/rpt1/32wellesbournerd/AIAMS dated 6 August 2021 prepared by Arbortrack Systems Ltd shall be adopted and implemented. The

No.	Condition
	development thereafter shall be implemented in strict accordance with the approved details, and the approved protection scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason**: 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; and
(4)	all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the main house. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

142. **W/21/2069 – Chestnut House, The Old Nursery, Station Lane**

The Committee considered an application from Mr and Mrs Cooper for the conversion of an existing garage into a games room and the erection of a detached garage with store.

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

The officer considered that the development proposal was in keeping with the character and appearance of the property and the area. In addition, the proposals were not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to light, outlook or privacy and were in accordance with the aforementioned policies and the application was therefore recommended for approval.

Following consideration of the report and presentation made at the meeting, it was proposed by Councillor Quinney and seconded by Councillor Kennedy that the application be granted.

Resolved that W/21/2069 be **granted** subject to 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

No.	Condition
	amended);
(2)	development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3940_001, 3940_004 and specification contained therein, submitted on 12th November 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; and
(3)	all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the main house. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

143. **Appeals Report**

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

Resolved that the report be noted.

(The meeting ended at 8.49pm)

CHAIRMAN
1 March 2022

Planning Committee: 02 March 2022 **Item Number: 5**

Application No: W 21 / 0263

Registration Date: 29/01/21
Town/Parish Council: Lapworth **Expiry Date:** 26/03/21
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Land North of Bakers Lane, Knowle, Solihull, B93 8PT

Change of use of land to the keeping of horses, erection of stables, construction of all-weather riding arena and laying of hardstanding. (Amendment: hay barn omitted from scheme, hardstanding reduced in size and access provided to paddock area) FOR Mr. Smith

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

BACKGROUND

This application was deferred from the 1st February Planning Committee to seek more information from the County Highways Officer regarding their assessment of the application and to allow Members to carry out a site visit to assess the proposal in greater detail.

RECOMMENDATION

That planning permission is GRANTED with conditions.

DETAILS OF THE DEVELOPMENT

The proposed development is for the use of land for equestrian purposes together with the erection of a small stable building, manege area and area of hardstanding. Also proposed is post and rail fencing to the manege area together with new hedge planting to boundaries.

The proposed stable building consists of a single stall and a tack/fodder store room.

The building measures 7.8m x 4.15m (5.15m with front roof overhang) with an eaves height of 2.3m and overall height to ridge of 3.6m.

The Manege is proposed to be 20m x 20m square with a surface of shredded rubber to a depth of 50mm over a 50mm layer of sand with a 300mm sub-base of clean hardcore. Fencing to the manege is a timber post and rail fence.

An area of permeable stone hardstanding is proposed from the main access drive to the frontage of the stables.

THE SITE AND ITS LOCATION

The application site relates to an equestrian field located on the southern side of Bakers Lane, within the Green Belt and a rural area.

Within the wider site, there are a number of different activities. The site is partially set to a number of paddock areas delineated by post and rail fencing. Part of the wider site is also being used for the growing of trees. In addition, the northern parcel of the site has been the subject of significant engineering operations to create a new area for mooring off the adjacent Canal. At the current time, this application is still pending.

The site is flanked on two sides (north and east) by open fields/paddocks. To the west of the site lies an existing access drive which is also a public right of way. Beyond the access drive is another small field. To the south of the site lies the public highway known as Bakers Lane. Beyond the highway to the south is open agricvultral land with a number of residential properties located to the south west of the site.

The site is accessed from Bakers Lane onto an existing access track leading to the associated paddocks and forestry land to the north of the application site.

PLANNING HISTORY

There is no history relevant to the parcel of land that is the subject of this application. However, there is a varied history for various developments as detailed below;

Applications relevant to adjacent land

W/21/0802 – Construction of new canalside moorings at Helmsley Court Farm, Bakers Lane, Knowle with associated access and parking arrangements for the provision of 13 car parking spaces (part-retrospective application) – **PENDING CONSIDERATION.**

W/21/0211 – Replacement dwelling and associated landscaping. (Resubmission of Application W/20/1428) – **REFUSED 19.09.2021**

W/20/1428 – Replacement dwelling, garaging and associated landscaping – **REFUSED 24.11.2020 and APPEAL DISMISSED 13.12.2021.**

W/20/0231 – Notification under Part 3, Class Q (a) and (b) for Prior Approval for a proposed change of Use of Agricultural Building to a Dwellinghouse (Class C3) – **GRANTED 01.04.2020.**

W/19/1831 – Application for a Certificate of Lawfulness to confirm that a lawful material commencement has been made on the development subject of planning permission reference W/10/0135 (*Construction of new canal side moorings and spreading of spoil onto adjoining land*) in compliance with Condition 1 and all other pre-commencement conditions were discharged - **GRANTED 09.01.2020**

W/19/0496 - Erection of a timber stable building – **GRANTED 01.04.2020.**

W/19/0363 - Prior notification for the extension of an existing access track – **GRANTED 29.03.2019.**

W/18/2017/AG - To create new access for planting and harvest – **GRANTED 05.12.2018.**

W/18/1662/AG – Application for prior notification of agricultural or forestry development for the proposed formation of a private way and access onto Bakers Lane – **WITHDRAWN 25.09.2018.**

W/18/0926 - Application for prior notification of agricultural development for the proposed formation of a private way and access onto Bakers Lane – **REFUSED 20.06.2018.**

W/18/0737/AG - Prior notification of agricultural development for the proposed formation of a private way and access onto Bakers Lane – **REFUSED 02.05.2018**

W/17/0793 - Move by 5m the existing agricultural building and alterations to the roof slope (Building already consented for development under W/16/1652) – **GRANTED 25.07.2017.**

W/17/0373 – Proposed works to widen existing vehicular access – **REFUSED 21.07.2017.**

W/17/0092 – Erection of forestry buildings to facilitate seed planting and cultivation of trees to be planted across the site – **GRANTED 21.07.2017.**

W/17/0103 - Application for a Lawful Development Certificate for existing small barn, domestic style shed and two aviary buildings in accordance with the details submitted to the LPA on 17 January 2017 – **GRANTED 23.06.2017.**

W/16/1652 - Prior Approval Notification for proposed change of use of an agricultural building to a dwelling house – **GRANTED 31.10.2016.**

W/16/1072 - Erection of forestry buildings to facilitate seed planting and cultivation of trees to be planted across the site – **WITHDRAWN 04.10.2016.**

W/16/0841 - Erection of Agricultural/Forestry buildings – **REFUSED 01.06.2016**

W/14/1023 - Application for prior approval of proposed change of use of agricultural building to a dwellinghouse (Use Class C3), and for associated operational development – **WITHDRAWN 01.08.2014**

W/10/0135 - Construction of new canal side moorings and spreading of spoil onto adjoining land - **GRANTED 03.05.2011**

W/09/0815 - Construction of new canal side moorings and associated access – **WITHDRAWN 11.02.2010.**

W/07/1340/AG - Re-roofing and external cladding of an existing barn – **GRANTED 23.08.2007**

W/07/0009 - Erection of portal framed barn for use as loose horse boxes, tack room and hay storage – **REFUSED 20.03.2007.**

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice
- TR1 - Access and Choice
- TR3 - Parking

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Objection on the following grounds;

- Proposed development would have a negative effect on the openness of the Green Belt.
- The proposed site access and the existing access onto the highway not suitable for large equine vehicles.

WCC Highways: No objection.

Campaign for the Protection of Rural England: Objection on the following grounds;

- Harm to the openness of the Green Belt.
- Harmful to visual openness from public footpath adjacent site.
- Buildings clearly visible from canal towpath.
- Fall within wider site boundary and must be considered in context of overdevelopment of the entire site.
- No ecological surveys completed.

- Provision of on-site drainage is of concern as site floods regularly.
- Loss of permeable land will increase surface run off.
- Materials are out of keeping with character of surrounding buildings.
- Access is only for agricultural purposes.
- Proposed track would not be suitable for equine related vehicles.
- Turning off Bakers Lane is immediately after a small bridge and inappropriate for towed vehicles and large horse boxes.
- Access is a risk to highway safety.
- Increase in traffic on narrow rural lane with no footpaths give risk to highway and pedestrian safety issues.

Public Response: A total of 100 comments of objection received. (total for original and revised plans received). The following grounds for objection were raised;

- Site is already subject to significant development that should be resolved before any additional permissions are granted.
- Harm to Green Belt.
- Development is a blight on the landscape.
- Will result in increased traffic using the site and local highway network.
- Road not suitable for large vehicles.
- Increased noise disturbance.
- Potential increased light pollution.
- Harm to local wildlife.
- Site is already subject to flooding issues.
- Should be subject to ecological assessment.
- Not in keeping with other buildings within the area.
- Over-development of the site.
- Trees and Hedgerows will be impacted.
- Insufficient land for horses.
- Loss of privacy.

Other non-material considerations were also raised including;

- Schemes are for escalation to other uses.
- Applicants are not interested in rural pursuits.
- Applications are driven by profit.

Wider site should be regulated before any further development granted.

ASSESSMENT

Wider site regulation

The site forms part of a wider area that is subject to various permissions and uses. The area of the paddock is formed from a larger field that has been separated into separate paddock areas and delineated by post and rail fencing. The separation of these land areas does not constitute development and the fencing used does not exceed the tolerances allowed under permitted development rights for means of enclosure.

The wider site is used for forestry purposes for the growing of trees. Areas of the site nearest to the canal are in the process of being planted with saplings. The forestry use utilises buildings to the rear of the site that are used to nurture the saplings to a size where they can then be planted outdoors to grow. This process and associated buildings have the benefit of planning permission under a 2017 planning permission.

To the rear of the site, engineering operations have taken place for the creation of canalside moorings and associated works that were implemented under a 2010 planning permission. These works are currently subject of a new application to regularise elements that were not constructed in accordance with the details under the 2010 planning permission. This application is currently pending.

As Members will note, the wider site has a range of permissions and uses in place together with ongoing applications for development. Local residents are also concerned about ongoing incremental change within the wider area and there are a number of current enforcement investigations taking place within that wider area. In Officers opinion, whilst it is relevant to bring these to Members attention, these elements do not have a specific and direct bearing on the acceptability of the proposal being considered under this application other than the need to ensure that the development is appropriately controlled.

Whether the proposal constitutes appropriate development in the Green Belt

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 149 states that new buildings in the Green Belt are inappropriate development except where certain criteria are met. Criteria b) allows for the provision of appropriate facilities for outdoor sport and recreation purposes where they do not conflict with the purposes of including land within the Green Belt.

The building is timber construction and of a standard design. This form of stable building is a common feature within rural areas and Officers are satisfied that the building is appropriately designed for use as stables.

Private equestrian uses are considered to fall within the category of outdoor sport and recreation. The scale of the building is modest to provide stabling for 1 horse only with associated storage and tack room. The land extends in total to approximately 1.2 acres. The British Horse Society recommend 1 acre per horse so Officers are satisfied that the scale of the building is commensurate with the land area.

Concern has been raised regarding the ability to obtain the paddock land for the purposes of horse grazing as this does not currently fall within the control of the applicant.

Officers have considered this concern and note that the land is located within the Green Belt. The construction of the stables and menage is deemed to not be inappropriate under paragraph 149 (b) which states;

".. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;"

Without the paddock, the facilities would not be appropriate for use by horses so would not meet the exception as set out in paragraph 149(b).

Having sought Legal advice on this matter, Officers consider that because the land is in separate ownership, it is reasonable to condition any permission so that the stables can only be constructed/occupied when the paddock is available for use by the horse being stabled. This would be in the form of a Grampian style condition to prevent the construction of a building within the Green Belt that is inappropriate development. A condition to limit the use to a single horse is also proposed to ensure that the development complies with the Royal Horse Society guidelines.

Subject to the imposition of an appropriately worded conditions, Officers consider that the development would not conflict with the purposes of including the land within the Green Belt and is therefore appropriate development.

Design and impact on visual amenity and the character of surrounding area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

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.

The stable block proposed is of timber construction under a simple. This is a common design for small scale stable structures within rural areas.

The building would be sited in close proximity to the access at the front of the site area so only a small area of hardstanding is required to facilitate the stable building.

The proposal is of modest scale with a 33m2 footprint and ridge height of 3.6m. Officers are satisfied that the scale of development would not have a detrimental impact on the visual amenity of the area.

Concern has been raised about a proliferation of buildings across the site diminishing the open character of the area. Having reviewed the site, it is noted that the proposed stable is to the front of the site near to the access. In this location, it is well positioned behind the existing roadside hedge and the site is also proposed to be supplemented with additional planting to provide screening for the building. In this position, the building would also not be viewed in the context of other buildings within the site and as such, in Officers opinion, the proposal would not result in harm to the character of the countryside in this location as a result of a proliferation of buildings.

The proposal is considered to be in accordance with Policy BE1 of the Local Plan and national guidance contained within the NPPF.

Impact on adjacent properties

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.

There are no neighbouring properties immediately adjacent to the site of the proposed stable building. The nearest property is a significant distance to the south west of the site. Officers are satisfied that the provision of the modest stable block would not result in any significant harmful impact on the amenity of the neighbouring property.

Due to the location of the stable block, it is considered appropriate to restrict the burning of waste on site to prevent any undue harm to the amenity of neighbouring properties.

Subject to the imposition of the conditions to restrict on-site activities, Officers are satisfied that the scheme would accord with Policy BE3 of the Local Plan.

Highway Safety

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

The site benefits from an existing access to the public highway that serves the site and this access has acceptable visibility in both directions. There is sufficient space within the site to allow vehicles to enter, park and manoeuvre allowing for access and egress in a forward gear.

The County Highways Officer has assessed the proposal and raised no objection to the scheme. The rationale for this response is set out in full below;

"A desktop study was performed for this application using Google Maps (imagery January 2021). The land north of Bakers Lane is proposed to have a small stable block, with 2no loose boxes, one being used for storage of tack, hard feed, toilets and basin. A small barn will also be constructed for storing hay and bedding, as well as a menage and hardstanding. All used for the accommodation of a horse.

The access to the proposal is not directly from Baker's Lane but will be via an existing agricultural access. Planning permission, W/19/0496, was granted allowing this access to be used for agricultural and equestrian purposes.

The proposal is not a significant increase in movements as agricultural traffic currently have permission to use and access this area. Additionally, the proposal is for the accommodation of a horse which once again would not generate a significant increase in associated movements.

In consideration of the review of the proposals, the Highway Authority do not believe the associated equestrian related vehicle movements will be detrimental to highway safety and therefore would raise no objection to the proposed development."

Officers consider it appropriate to restrict the use of the stable building to private use only to ensure that traffic is kept to a minimum to prevent harm to highway safety.

Subject to the imposition of the condition on the use of the stables, Officers are satisfied that the proposal would not result in harm to highway safety. The scheme is therefore considered acceptable having regard to Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The proposal has been considered by the County Ecologist who has inspected the site and raised no objection to the scheme in terms of potential impact on protected species subject to the imposition of a condition to secure biodiversity gain and an explanatory note regarding foundations and the potential impact on wildlife.

Officers are therefore satisfied that the scheme accords with Policy NE3 of the Local Plan.

Other Matters

A number of objections have cited that the development could be a pre-cursor to an alternative form of development.

Officers have noted this concern but this is not a material planning consideration and the proposal has been assessed on its own merits. Conditions are proposed to control the use of the building and any future application would have to be assessed separately.

Conclusion

The proposal is considered to be an appropriate form of development within the Green Belt. The scale of the building is considered to be appropriate for the land holding. The proposal raises no objection in design or amenity terms. The proposal is considered acceptable in relation to highway safety and impact on protected species.

For the above reasons, the proposal is recommended for approval subject to conditions.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing titled "STABLE BUILDING FLOOR PLAN AND ELEVATIONS" and untitled drawing of Post and Rail Fence and Cross Section of Menege and specification contained therein, submitted on 29 January 2021 and approved drawing titled "SITE LAYOUT PLAN" and specification contained therein, submitted on 19 July 2021

REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DS18, BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 No development shall take place on the site until it can be demonstrated to the satisfaction of the Local Planning Authority that the applicant has control over the area of land identified in red on the submitted site location plan so that it is available for use by horses being stabled at the site.

Reason: The development is only considered acceptable in Green Belt terms for buildings associated with outdoor sport and recreation uses. Without the appropriate level of land available for the grazing of horses, the development would not be considered to represent a site falling

within the definition of outdoor sport and recreation and would therefore be inappropriate development within the Green Belt.

4 The development hereby permitted shall not be occupied until a scheme for biodiversity enhancements has been submitted and approved in writing by the Local Planning Authority. The scheme should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The scheme should also include details of habitat enhancement/creation measures and management, such as native species planting, species-rich wildflower meadow creation and/or hedgerow creation/enhancement. Such approved measures shall thereafter be implemented in full within the first available planting season following the first occupation of the building.

REASON: To ensure a net biodiversity gain in accordance with NPPF.

5 The materials used in the construction of the development hereby permitted shall be in full accordance with the details submitted within the application documents The materials used in the construction of the development hereby permitted shall be in full accordance with the details submitted within the application documents. The exterior walls of the building shall be constructed of timber only and shall not incorporate any internal block or brickwork.

REASON: To ensure that the visual amenities of the area are protected and to provide an appropriate form of development in the Green Belt and to satisfy the requirements of Policies DS18 and BE1 of the Warwick District Local Plan 2011-2029.

6 The use of the building hereby permitted shall be for personal and private use only for the stabling of a single horse and shall at no time be used for commercial activity.

REASON: In the interest of amenity and highway safety in accordance with Policies DS18, BE3, TR1 and TR3 of the Warwick District Local Plan 2011-2029.

7 There shall be no burning of waste within the site boundaries.

REASON: In the interest of the amenity of the local area having regard to Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 02 March 2022 **Item Number:** 6

Application No: W 21 / 0862

Registration Date: 05/05/21
Town/Parish Council: Radford Semele **Expiry Date:** 30/06/21
Case Officer: Emma Booker
01926 456521 Emma.Booker@warwickdc.gov.uk

St Andrews House, Southam Road, Radford Semele, Leamington Spa, CV31 1TF
Demolition of existing office building and the erection of two new 4-bedroom dwellings. FOR Interlock Surveys Ltd

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

RECOMMENDATION

It is recommended that the Committee GRANT planning permission subject to the conditions listed at the end of the report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the demolition of the existing office building and its ancillary outbuilding, and the erection of 2no. dwellings.

Each dwelling comprises 4 bedrooms and an attached garage/bike store to the front. They are contemporary in design with elevations comprising a mixture of materials; buff render, aluminium cladding, grey timber cladding and buff brick. The buildings front the Southam Road and will share the access into the site. They will benefit from off-street parking, an electric charging point and private rear gardens. The landscaping scheme proposes extensive tree planting along the boundary with Hallfields Road and the Southam Road.

The proposal has been amended slightly to omit the garages (so that space would be made for 3no. parking spaces and to reposition Unit A so that it is further from 1 Hallfields.

THE SITE AND ITS LOCATION

The application site is currently occupied by a modest office building which benefits from extensive off-street parking. There is also a further smaller outbuilding. It is located within a prominent position on a corner plot at the junction with Hallfields Road and the Southam Road. The site feels open in character due to the lack of boundary vegetation and the office building being set back into the site. The ground level rises from Hallfields Road into the site, the proposed dwellings would therefore be located on elevated ground relative to the bungalows within Hallfields Road.

Planning history reveals that the building has not been used as a church hall since the late 1980s. Since then, it has been used as an office (B1) use.

The site is located within the Growth Village Boundary and within an area of Radford Semele which is residential in character. The buildings are mixed in character with traditional and modern development contributing to the streetscene. The material palette is varied. Despite significant developments on either side of the road, Southam Road retains a semi-rural character due to its wide grass verges, mature hedgerows, and mature belts of trees.

There are numerous Grade II listed buildings within the vicinity of the site; three front onto the Southam Road and another three on Lewis Road.

PLANNING HISTORY

W/95/0235 - Continued use of church hall as a business use (Class B1).

W/91/1338 - Continued use of church hall as business use (Class B1).

W/89/1045 - Change of use of church hall (class B1) to business use.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- TR1 - Access and Choice
- TR3 - Parking
- H1 - Directing New Housing
- FW3 - Water Conservation
- HE4 - Archaeology
- H4 - Securing a Mix of Housing
- EC3 - Protecting Employment Land and Buildings
- Radford Semele Neighbourhood Plan 2019-2019
- RS1 - Securing a Suitable Mix of Housing Types, Tenures and Sizes in New Developments.
- RS6 - Conserving and Enhancing Radford Semele's Landscape Character.
- RS7 - Non Designated Heritage Assets.
- 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)

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council: Objection due to the impact of the proposal on the character and setting of the local area, the principle of the development in terms of additional housing and the loss of the existing office, impact on residential amenity. Contrary to NP polices RS1 and RS6 and local plan policies BE1, BE3 and NE4.

WCC Landscape: Objection due to the impact of the proposed dwellings, by virtue of their design and scale, on the character of the local area. The material palette is not in keeping with the local vernacular. Recommend that a full arboricultural survey is carried out to assess the existing trees and to set out how they will be protected during construction. Request 3D visuals of the development which are more representative of the local context.

Confirmed that they are satisfied with the proposed planting scheme and recommend that protection measures for existing trees be secured. Requested clarification on whether the proposed occupiers would be responsible for maintaining the landscaping.

WCC LLFA: Objection on the basis that no details of drainage and surface water management have been submitted.

WCC Highways: No objection subject to the conditions recommended. Also recommend that the arrangements for waste management is verified with the Council's Waste Management Department.

Ecology:
- measures proposed do not provide for a biodiversity net gain - a detailed management plan is required with details of biodiversity restoration/enhancement measures.
- request that the location of trees in relation to RPAs be considered. A tree protection condition is recommended.
- Consider that removal of trees should be kept to a minimum.
- A method statement should be secured by condition for the protection of bats, amphibians and reptiles.

Ward Councillor Leigh-Hunt: Objection;
- loss of employment land, would be contrary to the aims of the local plan
- incongruous design
- concerns over the impact that it would have on nearby designated- and non-designated heritage assets.
- highway safety concerns related to the access.
- there is no need for additional housing in Radford Semele.

Cllr Sabin: Objection;
- the application does not mention that the site was used as a place of worship for many years.
- Radford Semele does not need more houses.
- the proposal is unsympathetic to neighbouring properties; this part of Radford is the older part.
- loss of employment land

Public response:

2 neutral comments stating that they consider the development to respect the character of Southam Road. Concerns raised in relation to the development's potential to undermine the earth bank supporting the access to 70 and 72 Southam Road and loss of light and privacy. Query whether the green landscaping will be retained by the next owners.

45 letters of objection from 23 properties on the following grounds;

- too close to the bus stop
- would destroy some of the village history as the building used to be a village hall.
- replacing older buildings with new takes away the character of the village
- design does not complement or enhance the village
- highly incongruous design
- proposed development is of no architectural merit
- visitors to the property will struggle to find parking
- Radford Semele has had enough development recently and there is no requirement for more executive housing. The proposal should address a local need.
- loss of light as the ground is elevated by 1.5m above the properties in Hallfields
- it would create an unappealing outlook for the bungalows in Hallfields
- overshadowing
- the development is out of scale with the bungalows on Hallfields
- the dwellings are too large for this part of the village
- adverse impacts on nearby non-designated and designated heritage assets
- will be very prominent due to their elevated position
- not in keeping with the surrounding small historic houses, would destroy the village's character, identity and unique history
- contrary to NP Policies RS1, RS6 and LP Policies EC3, H4, SC0, BE1 and NE4.
- the landscaping will not screen the houses from view
- the existing building is of architectural merit
- will lead to an increase in road traffic
- does not improve walking and cycling opportunities over what currently exists
- no proposed sustainability measures
- the nearby school is at full capacity demonstrating that the village is overdeveloped
- the development brings no cultural or economic benefits to the village. It adds pressure to existing amenities and utilities which are already insufficient due to recent development
- highway safety concerns
- loss of employment land where it is limited in Radford Semele
- concerned with the loss of biodiversity
- will generate parking stress in an already stressed area
- concerns over the amenity impacts during construction
- the business currently housed within the building will be displaced
- health and safety impacts associated with poorly managed trees
- query whether the existing bricks will be recycled
- the proposed trees will impact on the amenity of the neighbours through loss of light and outlook.
- the photos submitted are misleading
- query why an advertising board for the property was not displayed.

ASSESSMENT

Principle of development

Location for new housing:

Local Plan Policy H1 states that new housing development will be permitted within Growth Villages. Radford Semele is identified as being a Growth Village within the Local Plan. The principle of housing on this site is therefore considered to be acceptable and accords with the requirements of Local Plan Policy H1.

Loss of Employment:

Policy EC3 of the Local Plan stipulates that outside of the town centre, the redevelopment or change of use of existing and committed employment land and buildings (Use Classes B1, B2 and B8) for other uses will not be permitted unless it can be demonstrated that the use of the land or buildings for the existing or alternative employment uses would not be viable.

Objections have been received on the grounds that the proposal would result in the loss of employment land.

The applicant has submitted details of the marketing exercise carried out for the site. The Marketing Report states that following the active marketing of the site for the periods between September 2019 and November 2021. The agent received no formal offers although it was viewed by 4 interested parties. There have been 26 email enquiries and 14 phone calls as a result of the data-base mailout and industry press advertising. The general feedback being that the offices were too small, outdated and out of the town centre, far from amenities and transport hubs. Much of the interest was from developers speculating on change of use to residential.

The re-occurring themes relating to the lack of acceptability of the size and configuration of the building for modern office requirements indicates that there is little prospect of this site being sold/let as an office in the current market. The office use of this building (in its current format) would not appear to be a viable option and therefore it is considered that the application accords with criterion b) of Policy EC3.

Accordance with just one of the criteria of Policy EC3 is satisfactory and therefore it is considered that the loss of employment land at the site is acceptable in principle.

Housing Mix

The objective of Neighbourhood Plan Policy RS1 is to ensure that the future mix and type of housing meets the needs of those living in the area. The Policy states that in regard to Local Plan 'policies H2 and H4, development proposals for new housing should be informed by and demonstrate how they have met a local housing need based on up-to-date information, including local housing needs identified in the Parish Housing Needs Survey'.

Policy H2 of the Local Plan (affordable housing) only requires affordable housing to be provided on developments of 11 dwellings or more. It is therefore not applicable to this application.

Policy H4 of the Local Plan requires proposals for residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district, in accordance with the latest Strategic Housing Market Assessment. In assessing this, the Council may take into account circumstances where it may not be appropriate to provide the full range of housing types and sizes in accordance with the latest Strategic Housing Market Assessment. One of these circumstances is where the development is for less than 5 houses (unless criterion e) applies). Criterion e) of H4 states that where the development is in the rural area and there is an up-to-date village or parish housing needs assessment, it would be more appropriate for the development to address this housing need rather than that identified in the latest Strategic Housing Market Assessment.

A local housing needs Survey for Radford Semele was published in July 2017. It identified a local need for 7 dwellings of various sizes and tenure. Since the publication of this document, two major housing development sites allocated within the current Local Plan have been delivered and would have addressed the local housing need identified within the 2017 survey. It is therefore considered that criterion e) of Policy H4 would not apply here.

The proposal is for less than 5 dwellings and the application site is small where it would simply not be possible to provide a mixture of housing types and sizes in accordance with the Strategic Housing Market Assessment.

Based on the above, Policy RS1 of the NP and Policies H2 and H4 of the LP are not considered applicable to the provision of 2no., 4-bed dwellings. The housing delivered on the site is therefore acceptable.

Design and impact on the character of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Warwick District Council's Local Plan 2011 - 2029 Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan requires 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.

The Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance

of respecting existing important features; respecting the surrounding buildings and using the right materials.

Neighbourhood Plan Policy RS1 states that development proposals which comprise new homes must show how they have considered and responded to guidance provided through the WDC Residential Design Guide SPD, Secured by Design (SBD) and the Lifetime Homes Standard. The Agent has set out in a document how the dwellings have been designed in accordance with the guidance in the SBD and Lifetime Homes Standard. Officers are satisfied that the scheme is of high quality design and well considered, and satisfies Policy RS1 in this regard.

The Parish Council, Local Councillors, WCC Landscape and members of the public have objected on the grounds that the design and scale of the dwelling is inappropriate for the site and its context. It is considered that the proposed material palette is not in keeping with the local vernacular and the modern aesthetic of the buildings are unsympathetic to what is a historic part of the village. Neighbours express support for bungalows at the site rather than two storey dwellings, which due to the elevated ground level, would be much larger and more prominent than the surrounding buildings.

As amended, the proposed development is considered to lead to an enhancement of the site by virtue of its high quality design, appropriate scale, layout, and landscaping.

The bulk and mass of Unit B has been reduced by lowering its height by 400mm. The site is not completely flat and slops down towards Hallfields. At the amended height, Unit B will sit slightly proud of Unit A when observed from the front following the topography of the ground within the site. The section drawings submitted demonstrate that Units A and B are lower in height than 72 Southam Road, which also sits closer to the highway. The dwellings will therefore not compete with this neighbouring property from this perspective.

Section drawing B-B demonstrations that due to the differing ground levels, the dwellings will sit no higher in the skyline than 1 Hallfields (a bungalow). Although Unit A will sit closer to the highway in Hallfields (and therefore appear more prominent), it is considered that it will not appear out of scale with the surrounding built form. Officers are mindful that the taller gables are positioned in the centre of the site, mitigating their visual and spatial impact. The smaller gables create a smoother transition between the adjacent bungalows and the taller gables. It is considered that the agent has taken sufficient steps to ensure that the development will not compete with and dwarf the properties in Hallfields.

With regard to the material palette, the agent has carried out a thorough analysis of the surrounding built form to determine what external facing materials are characteristic of the local area. It is noted that there is an eclectic mix of architecture within the village. The proposed elevational treatments are inspired by existing properties in Radford Semele. The walls use a mixture of buff brick, render, timber and aluminium cladding. The agent asserts that the

use of these materials links the site with the surrounding properties whilst giving each their own identity.

Officers agree with this and consider the material palette appropriate for the streetscene. The materials proposed are of high quality and will enhance the character of the streetscene. The timber cladding has been applied to the most readily visible elevations and roofslopes. This gives a softer appearance and reinforces the semi-rural character of the village. Existing properties are highly varied in design, scale, and character and this is considered to give licence for an alternative and contemporary scheme without disrupting the identity of Radford Semele. Officers note that support has been submitted for the design of the dwellings with a number of neighbours considering that they have architectural merit. Sample of the facing buff brickwork and render is recommended to be secured by condition.

Although unique to the streetscene, the proposed dwellings are of high quality design and are considered to lead to an enhancement of the site by virtue of their appropriate material palette, scale, and relationship with the adjacent roads and built form. The proposal is considered to comply with the aforementioned policies BE1 and RS1, the Residential Design Guide SPD and the NPPF.

Amenity impacts

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

Impact on neighbouring residential amenity:

Objections have been received on the grounds of loss of light, privacy, outlook and overshadowing to nearby dwellings, especially those in Hallfields.

The proposed dwellings front the Southam Road. The side elevation of Unit A faces Hallfields and comprises 3 window/door apertures. Given the height of the dwellings and their position on elevated ground, which neighbours suggest is 1-2m higher than the road level in Hallfields, the acceptability of the scheme in relation to amenity has been assessed on the basis that the side elevation of the proposed Unit A reads as a 3 storey property. This takes the worst case scenario approach. The side elevation of Unit A is built opposite nos. 2 and 4 Hallfields and is situated at least 22 metres from the front elevations of these bungalows. This exceeds the requirement of the Residential Design Guide SPD and it is therefore considered that the impact of the proposed dwellings on the amenity of nos. 2 and 4 Hallfields is acceptable.

Unit A is built forward of 1 Hallfields and is considered to satisfy the separation distance for front to back relationships (22m minimum) set out in the Residential Design Guide SPD. Unit B is not built in front of this neighbour and so it would be incorrect to require a distance separate of 22m. Although Unit B is closer to the neighbour's front-facing windows, its off-set position is considered to mitigate the impact that it has on the neighbour's outlook and light. Officers also consider that the distance between the properties is sufficient to protect the privacy currently enjoyed by this neighbour.

Unit B will be visible when observed from the front and side facing windows of 72 Southam Road. Officers have checked whether Unit B would unacceptably impact on the light and outlook to any of these windows and consider the overall impact to be acceptable. Now that the single storey garage attached to Unit B has been omitted and replaced with a smaller and less intrusive cycle store, the impact on light and outlook for 72 Southam Road would be relatively limited. The bulk and mass of the two storey elements of Unit B are off-set to the side of this neighbour and Officers consider that it is a sufficient distance away from the windows to sufficiently mitigate the impact on outlook and light. It is also acknowledged that the dwelling would be viewable from the windows in the side elevation, facing southwest, but Unit B is a sufficient distance away to not adversely impact on the living conditions within the room which the window serves.

To protect the privacy currently enjoyed within the gardens of the properties fronting Lewis Road, on the eastern side of the application site, it is considered necessary to secure by condition obscure glazing in the ensuite window at first floor level which would overlook these spaces.

No concern is raised in relation to the amenity of the properties within Chance Fields or the bungalow positioned to the east of 1 Hallfields.

Officers do not raise concerns in regard to overshadowing and the impact that the landscaping scheme would have on the amenity of the neighbours. The proposed dwellings and new trees planted along the western site boundary are located to the north of 1 and 3 Hallfields and therefore the impact on direct sunlight to these properties is considered minimal. There are additional trees to be planted in the garden of Unit A but these are an adequate distance from the neighbour's windows and will be mitigated by the presence of the outbuilding forward of 1 Hallfields.

The dwellings and proposed trees on the western boundary will have some impact on direct sunlight to 2 and 4 Hallfields but this impact will be most pronounced in the winter months when the sun is lower in the sky. As previously discussed, the dwellings exceed the separation distance required by the Residential Design Guide SPD and therefore Officers consider that there are no reasonable grounds for refusing planning permission on this basis.

Whilst the trees will grow to various heights, the majority are deciduous and will shed their leaves in winter, allowing more light through when the sun is lower in the sky. In addition, there are means by which neighbours can request trees to be cut where they are adversely impacting on amenity. It is therefore considered

that the landscaping scheme would not result in unacceptable harm to the amenity of the neighbours.

The proposal is considered to have an acceptable impact on the amenity of the nearby residential dwellings by reason of compliance with the Residential Design Guide SPD. The application therefore meets the requirements of Policy BE3 of the Local Plan.

Living conditions for the future occupiers:

The dwellings are provided with relatively large gardens which exceed the requirements of the Residential Design Guide SPD.

The dwellings are provided with secure cycle storage and designated areas for waste bins to be stored.

By virtue of the fact that the proposal meets the separation distance requirements, it is considered that the future occupiers would benefit from sufficient levels of privacy.

All habitable rooms are provided with adequate sources of natural daylight and outlook.

Overall, the proposed development is considered to provide suitable living conditions and amenity for future occupiers. The application therefore meets the requirements of Policy BE3 of the Local Plan and the Residential Design Guide SPD.

Car parking and highway safety

Local Plan Policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes. Proposals that are detrimental to highway safety will not be permitted. Where practical, proposals are expected to incorporate facilities for charging plug-in and other ultra-low emission vehicles where the development proposals include provision for off street parking and is for one or more dwellings.

Local Plan Policy TR3 states that development proposals will be expected to comply with the requirements of the Vehicle Parking Standards SPD. Parking must be provided which does not result in on-street car parking detrimental to highway safety.

Members of the public have objected to the proposal because of additional traffic entering and exiting onto a busy road and query whether sufficient parking will be provided. There is concern that visitors to the site may park in adjacent roads where parking capacity is already stressed.

The Highway Authority have been consulted and raise no objection to the development. They have recommended a series of conditions related to the laying out of the site, the width of the access and its surface material. The neighbour's concerns are considered to have been addressed by this response.

With regard to parking, the omission of the garages has provided space for 3 off-street parking spaces which are wide and deep enough to comply with the

Parking Standards SPD. Visitor parking is not required by the Parking Standards SPD for a development of this scale and Officers consider that there would be space within the site to accommodate extra vehicles should this be required.

The proposal is considered to comply with Policies TR1 and TR3, and the Parking Standards SPD.

Landscape impacts

Neighbourhood Plan Policy RS6 stipulates that any new development must protect, conserve, or enhance the area's landscape character. The proposed development can do this by:

- protecting the historic character and settlement pattern of the area;
- planting new hedgerows and improving redundant and gappy existing hedgerows;
- protecting the essential character and quality of key views identified on Policy Map 6;
- screening urban forms of development and having appropriate transitions from urban to rural areas.

Officers can confirm that the proposal would not impact on any of the key views identified in Policy Map 6 of the Neighbourhood Plan.

Policy NE4 states that new development will be permitted where a positive contribution is made to landscape character. Proposals will be required to demonstrate that they, amongst other matters, will:

- integrate landscape planning into the design of the development at an early stage;
- consider its landscape context, including the local distinctiveness of the different natural and historic landscapes and character, including tranquillity
- relate well to local topography and built form and enhance key landscape features, ensuring their long term management and maintenance.
- identify likely visual impacts on the local landscape and townscape, and its immediate setting, and undertake appropriate landscaping to reduce these impacts.
- avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset, settlement, or area
- address the importance of habitat biodiversity features, including aged and veteran trees, woodland and hedges and their contribution to landscape character, where possible enhancing these features through means such as buffering.

The Parish Council have objected on the grounds that the application would not comply the above NP and LP policies.

WCC Landscape have objected on the grounds that the proposal would diminish the sense of openness and space that the existing development provides. This is considered to complement the setting of the older and more traditional properties in the vicinity. The erection of two large dwellings at the site is considered to conflict with this character and would be exacerbated by the site being elevated.

Members of the public have queried whether the proposed landscaping is likely to be retained by the future occupants. Objections are raised on the grounds that the development is not in keeping with the village's character and identity, particularly because they are out of character with the surrounding small historic houses. It is considered that the landscaping proposed would not sufficiently screen the dwellings from the streetscene.

The proposal has been amended since the submission of the aforementioned objections. The garages to the front of the dwellings have been omitted to provide the required provision of off-street parking. This is considered to alleviate some of the concerns raised in relation to the development diminishing the openness of the plot. With less built form on the site and an increase in the size of the buffer between the front elevations of the dwellings, the openness of the plot is considered to be sufficiently preserved in order to protect the character of the townscape in this part of the village.

The bulk and mass of the dwellings will be read alongside 72 Southam Road and the bungalows in Hallfields. The ridge heights have been reduced so that the buildings appear no taller than 72 Southam Road when observed from the east. This is reflected on the section drawing. Whilst there is strong concern expressed by the consultees in response to the two storey heights of the dwellings (due to the presence of bungalows in Hallfields), Officers consider that there is equally a precedent for two storey properties within this part of the village. The site is elevated above the ground levels in Hallfields but as the ground levels rise towards Lewis Road, so do the heights of the dwellings and the proposed development would reinforce this transition rather than appearing overly abrupt. There is a significant buffer between the front of the dwellings and to the side of Unit A and a further buffer provided by the highway in Hallfields. All these factors are considered to mitigate the impact of two storey development on this site and, on this basis, the two storey development is not considered harmful.

The application is supplemented by a landscaping scheme. A total of 12 existing trees are to be retained and an additional 27 trees will be planted. Evergreen hedges and wildflowers are also incorporated.

There will be a belt of trees along the western edge of the site to screen the side elevation of Unit A from Hallfields. It will comprise field maple (deciduous), rowan (deciduous), cotoneaster (evergreen) and broad leaved cockspur thorn (deciduous). Neighbours have raised concerns with the health and safety impacts of this many deciduous trees which would shed their levels onto the pavement in Hallfields. This is a civil matter. The future occupiers of the dwellings would be responsible for maintaining the trees and is something that cannot be controlled through a planning application.

Hedges will be planted to define the front and side boundaries of the site. A wildflower buffer is proposed to the western side of Unit A. WCC Landscape have confirmed that they are content with the proposed mix of trees, hedgerows and further planting.

The landscaping scheme is considered to add visual interest to a site which is currently lacking in greenery and dominated by light-coloured, rough hardstanding. The character of the wider streetscene is made to feel more rural due to the thick belt of trees on the northern side of Southam Road, grass verges and the trees and hedgerows surrounding 72 Southam Road and 2 Hallfields. The landscaping scheme complements and enhances these features and so it is considered that it would harmonise with and reinforce the historic semi-rural character of this part of the village. The proposal is therefore considered to comply with the aforementioned Local Plan and Neighbourhood Plan polices.

As requested by WCC Ecology and WCC Landscape, protection measures for trees which are proposed to be retained will be secured by condition and to further ensure compliance with Policies RS6 and NE4.

Drainage and flood risk

The application site is located within Flood Zone 1, with a low probability of flooding. It is however identified as being susceptible to ground water flooding.

The Local Lead Flood Authority have raised an objection to the proposed development on the grounds that insufficient information has been provided to assess the drainage and surface water management. Officers consider that for the scale of development proposed it is unnecessary to provide these details at planning application stage and usually the LLFA would not be consulted on an application of this scale. Instead, such matters are dealt with by Building Regulations.

A condition will be added to secure compliance with Local Plan policy FW3 relating to water efficiency.

Ecological impacts

WCC Ecology have been consulted throughout the application process and have recommended a number of pre-commencement conditions to ensure that no harm is caused to protected species which may be discovered at the site during the construction phase, and to enhance the nature conservation value of the site and ensure no net biodiversity loss in accordance with the NPPF.

Waste Management

The dwellings are provided with designated areas for waste storage in accordance with the guidance for waste management comprised within the Residential Design Guide SPD.

Air Quality

Neighbourhood Plan Policy RS1 states that development proposals which comprise new homes must seek to meet WDC's Climate Emergency commitments.

The Council has adopted an Air Quality Supplementary Planning Document (SPD) which establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development, however these are suggestions and other innovative ideas are encouraged. Under the SPD the proposed development would be classified as a minor scheme therefore a proportion of electric vehicle charging infrastructure is required. The SPD requires 1no electric vehicle charging point per dwelling with dedicated parking.

The proposed site plan indicates that electric vehicle charging points will be provided. This meets the requirements of the SPD, however, further information is required on the charging speed and type of infrastructure to be provided. This information can be secured by condition which will be added.

Conclusion

The proposed development would deliver additional housing, in a sustainable location, with adequate on-site parking and an acceptable impact on neighbouring amenity. The development would enhance the site by adding landscaping and providing houses of high quality design and would also provide adequate waste storage arrangements. The proposal should therefore be approved.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) and specification contained therein; 1544-0500-04, 1544-0501-05 and 1544-0200-02 submitted on 11th February 2022, and 804 01 Rev C submitted on 14th February 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 The development hereby permitted shall not commence until a detailed schedule of habitat and species enhancement measures has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation and enhancement measures shall thereafter be implemented in full. **Reason:** To enhance the nature conservation value of the site and ensure no net biodiversity loss in accordance with the NPPF and Policy NE3 of the Local Plan.

4 The development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for bats, reptiles, amphibians, and nesting birds (to include timing of works, supervision of vegetation clearance, supervision of careful hand removal of roofing materials and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Local Plan.

5 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.

6 No development shall be carried out above slab level unless and until samples of the external facing materials (buff brick and render only) 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.

7 Prior to the occupation of the development hereby permitted, all side-facing windows at first floor level in Unit B 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(s) 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.

8 No dwelling hereby permitted shall be occupied unless and until the car parking and cycle storage provision for that dwelling has been constructed or laid out in accordance with drawing 1544-0500-04

(submitted on 11th February 2022), and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for vehicle and cycle parking purposes at all times. **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.

9 The access to the site for vehicles shall not be used unless an access for vehicles has been provided to the site that measures no less than 5 metres in width at any point. **Reason:** To enable safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

10 The access to the site shall not be used in connection with the development until it has been surfaced with a bound macadam material up to the public highway boundary adjoining the site in accordance with the details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **Reason:** To enable safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

11 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

12 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be

removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

13 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans, and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development. Waste and recycling storage containers must be stored within the waste storage area shown on the approved plans, unless when being presented on street for collection facilities. **Reason:** To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

14 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. In addition, no fires shall be lit within 10 metres of the nearest point of the canopy of any tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure. No soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** To protect those 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 NE4 of the Warwick District Local Plan 2011-2029.

15 No dwelling hereby permitted shall be occupied unless and until details of the height, design and materials of the hard boundary treatments proposed (fences and retaining walls) to all boundaries as proposed have been submitted to and approved in writing by the local planning authority. The boundary treatments as approved shall be constructed prior to the first occupation of the development to which it relates and shall be retained as such thereafter. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.

16 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.

Planning Committee: 02 March 2022 **Item Number:** 7

Application No: W 21 / 1204

Registration Date: 03/09/21
Town/Parish Council: Kenilworth **Expiry Date:** 29/10/21
Case Officer: George Whitehouse
01926 456553 george.whitehouse@warwickdc.gov.uk

32 Littleton Close, Kenilworth, CV8 2WA
Erection of two storey side and rear extensions and loft conversion with rear dormer, raising ridge of dwelling. FOR Mr Stuart Scammell

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

RECOMMENDATION

It is recommended that planning committee grant this application for the reasons set out in this report

DETAILS OF THE DEVELOPMENT

This application proposes the erection of two storey side and rear extensions, loft conversion with rear dormer and raising ridge of dwelling.

THE SITE AND ITS LOCATION

32 Littleton Close is a large, detached dwelling at the head of Littleton Close, Kenilworth which currently benefits from a double detached garage to the side and a modest landscaped garden to the front and rear. Littleton Close slopes substantially from the top of the road down to the head where the application property sits. Behind the application property is Kenilworth Common, a local nature reserve.

Permitted development rights were removed in 1993 for Part 2 Class A (Erection of fences and means of enclosure) however all other permitted development rights remain intact.

PLANNING HISTORY

W/93/0810 - Granted for Approval of reserved matters for the erection of 29 dwellings with garages together with associated roads and sewers; construction of a new vehicular access.

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)
- Kenilworth Neighbourhood Plan (2017-2019)
- KP13 - General Design Principles

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objected to initial set of plans, removed objection on receipt of amended plans and then objected to the amended plans citing inappropriate scale and massing and parking issues.

WCC Ecology: No objection subject to a condition securing a Method Statement to ensure protected species are not harmed by the development.

Public Response: 15 individual objections received citing inappropriate scale and design of development, loss of amenity specifically overlooking, parking issues, interruption of access to numbers 23-29 and impact on Kenilworth Common.

Objections also raise the issue of disruption during the construction period and breach of covenants, neither of which are material planning considerations.

ASSESSMENT

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 NPPF states that permission should be refused for development of poor design.

The initially submitted plans were objected to by this office, they represented unacceptable scale and massing and did not comply with the requirements of the Residential Design Guide.

Amended plans were submitted which reduced the proposed raising of the ridge from the initially proposed, ensured the two storey side extension was not greater than 2/3 width of the original dwelling and included a set down of 225mm and a set back of 450mm.

The proposed raising of the ridge is considered acceptable in this case, it will not result in a dwelling that is substantially or unacceptably larger than the other

dwellings in the immediate street streetscene. Weight must also be given to the fact that this dwelling is set at the bottom of the road and therefore the raising of the ridge will not result in a dwelling that appears significantly out of character when viewed from the street due to its position relative to the street.

The two storey side extension is at the maximum permissible dimensions however this element of the proposals complies with the Council's Residential Design Guide and appears subservient to the main part of the dwelling in accordance with the objectives of the adopted guidance . There remains an acceptable distance from the boundary and the extension is not more than 2/3 the width of the original dwelling. The extension is also set down and set back from the main part of the dwelling.

The proposed dormer is considered to be well designed and of an appropriate scale and size. It should be noted that this dormer is in compliance with the GPDO and would not require planning permission if proposed in isolation.

It is considered the amended proposals comply with Local Plan Policy BE1

None of the changes to the materials to the front elevation, the new openings or the rooflights require planning permission and therefore these elements are not under consideration.

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.

The Council's distance separation guidance states that a two storey dwelling facing a blank first floor gable end of a two storey building (including gables with windows maintained in obscure glazing) should be 12m. In the case of this application the distance between number 21 opposite and the first floor windows in the proposed amended extension is 19m. In addition to this number 21 Littleton Close is in an elevated position relative to the application site which would further reduce any overlooking. The rear garden of No. 21 would be overlooked more than the current layout, however given the large distance between the proposals and the garden, the change in levels and the fact the immediate area is a normal residential setting where some overlooking is to be expected it is not considered that the proposals would result in an unacceptable level of overlooking which could warrant the refusal of a planning application.

One objector raises the point that the distance should be taken from the rooflight which serves the attic room. However, this rooflight is high in the roof and will not be able to be looked out of horizontally so no overlooking will result from this rooflight. Therefore it is most appropriate to use the proposed first floor window as the point to measure the distance separation from.

The separation distance to the properties to the side of the application site would also comply with the minimum separation standards.

There is no breach of the 45 degree guideline from the rear of the immediate neighbouring dwelling at number 30.

As the proposals comply with all of the relevant guidance and standards, it has been concluded that there would be no unacceptable loss of light, loss of outlook or loss of privacy for neighbours.

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

Parking and access

The Council's Parking Standards do not require any additional parking spaces for the extended dwelling. As a 4 bedroom dwelling currently the requirement is already at the maximum of 3 spaces.

The existing property has 2 off-street parking spaces (the driveway). The Parking Standards do not count garages as car parking spaces.

The proposals retain 2 parking spaces on the driveway. Whilst this would be reduced in length, it would remain longer than the minimum length required by the Parking Standards.

Objectors have queried whether the driveway would remain long enough at the shortest point, given the angle of the pavement. It is confirmed that the shortest part of the driveway will be 5.3m long; 300mm longer than the minimum length specified in the Parking Standards.

The proposed development results in no alteration to the existing access to the dwelling or the access of 23-29 Littleton Close. Disruption during the construction phase is not a material planning consideration for a householder development.

The above demonstrates that there would be no worsening of the existing parking situation. The proposals comply with Local Plan Policy TR3 and the Council's adopted Parking Standards.

Ecology

Following the receipt of the preliminary ecology survey WCC Ecology confirm they agree with the findings of the survey and agree no further survey work is required subject to a protected species method statement being conditioned to ensure there is no harm to protected species as a result of the development.

This approach ensures the proposed development complies with Local Plan Policy NE2.

Summary

The amended proposals do not result in 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, BE1, TR3 and NE2 and the Council's Parking Standards and Residential Design Guide. It is 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 drawing, 02B, 09B, and specification contained therein, submitted on 15/12/2021 and approved drawings 06 A, 07 A, 08 A, 10 A, and specification contained therein, submitted on 30/11/2021. **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 (including ground clearance works) shall not commence until a protected species method statement for hedgehogs, reptiles, amphibians, and nesting birds (to include toolbox talks, timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development.

4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

5 Prior to the occupation of the development hereby permitted, the first floor window in the 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 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: 02 March 2022 **Item Number:** 8

Application No: W 21 / 1490

Registration Date: 04/08/21
Town/Parish Council: Kenilworth **Expiry Date:** 29/09/21
Case Officer: Thomas Fojut
01926 456539 thomas.fojut@warwickdc.gov.uk

33 Inchbrook Road, Kenilworth, CV8 2EW
Erection of proposed additional storey to existing bungalow; single storey rear extension; rooflights and chimney along with the rendering of the existing house and erection of a rear terrace FOR Mr B Gisbourne

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This application is being presented to Planning Committee as Kenilworth Town Council object to the proposals.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application proposes the erection of an additional storey to the existing bungalow, a single storey rear extension, the installation of roof lights and chimney, proposed rendering of the existing house and the erection of a proposed rear terrace.

THE SITE AND ITS LOCATION

The application property is a detached single storey dwelling located on the south side of Inchbrook Road, Kenilworth. Dwellings within the street all date from a similar period and are one of several house types. All dwellings within the street are characterised by either large landscaped front gardens, hard surfacing for off-street parking or a combination of the two.

The street comprises of single storey and two storey dwellings however the part of Inchbrook Road the application property is located on is characterised by single storey dwellings.

PLANNING HISTORY

W/21/1491 - Notification for prior approval for a proposed larger home extension for the erection of a single storey rear extension; 6.00m depth; 3.40m height and 3.00m to the eaves. Prior approval not required September 2021.

W/21/1489 - Application for Prior Approval under Part 1, Class AA of the GPDO 2015 (as amended) for the proposed enlargement of a dwellinghouse by the construction of an additional storey, with the maximum height of the additional storey being 8.77m. Prior approval given December 2021.

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)

Kenilworth Neighbourhood Plan (2017-2019)

- KP12 - Parking Standards
- KP13 - General Design Principles
- KP15 - Environmental Standards of New Buildings

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - objects to proposals on the following grounds:

- Inappropriate scale and massing;
- The proposals have a seriously detrimental effect on the amenity of the neighbouring property and streetscene;
- The design does not harmonise with or enhance the existing neighbourhood;
- The proposals are out of proportion with their surroundings.

WCC Ecology - Recommend notes relating to bats, nesting birds and hedgehogs are attached to any approval granted.

ASSESSMENT

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

- Design of the proposed extension;
- Impact on the amenity of neighbouring properties;
- Parking;
- Ecology.

Design of the proposed extension

Warwick District Local Plan Policy BE1 states that development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. The adopted Residential Design Guide SPD also sets out design principles to which development proposals will be expected to comply.

Kenilworth Town Council have objected to the proposals who have concerns about the following design aspects:

- Inappropriate scale and massing;
- The seriously detrimental effect on the amenity of the neighbouring property and streetscene;
- The lack of harmony with or enhancement of the existing neighbourhood;
- The proposals being out of proportion with its surroundings;

The original design was considered unacceptable as the proposals were for a three storey dwelling which under the previous application (W/21/1489) was considered to be contrary to Prior Approval under Class AA. To add to this, the proposals were considered to be out of keeping with the street scene as there are no three storey dwellings.

The proposals were amended to remove the third storey which was replaced by the additional storey granted under application W/21/1489. Kenilworth Town Council also objected to the revised proposals for the reasons stated above.

The objection comments have been noted however it is considered that the revised proposals are acceptable for the following reasons:

- The removal of the third floor and reduction of the ridge height is considered to be acceptable;
- There is a mixture of single storey dwellings and two storey dwellings within Inchbrook Road and therefore the proposals are not considered to be out of keeping with the street scene;
- The design of properties within the street is mixed and properties within the streetscene also contain render. As such the revised proposals are considered to be acceptable.

It is considered that the revised proposals are in keeping with the existing property, are an appropriate scale for the dwellinghouse and are not considered to appear at odds with the street scene. The proposals comply with the WDC Residential Design Guide SPD by keeping the existing roof shape and pitch and adopting appropriate materials.

The development is therefore considered to accord with the guidance set out in the Council's Residential Design Guide SPD, and Policy BE1 of the Warwick District Local Plan.

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby uses and residents, in terms of light, visual intrusion 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 a neighbouring property. This serves to protect against a material loss of light and outlook.

For the originally submitted scheme the rear terrace is located more than 8 metres away from the neighbouring property at no.35 therefore the scheme is considered acceptable. The original scheme was considered to cause overlooking with the property at no.31. A privacy screen of 1.8 metres high has been added to both sides of the rear terrace to prevent any perceived overlooking of the neighbouring properties and it is therefore considered the revised scheme is acceptable.

Following the submission of the revised plans, it is found that the proposals do not breach the 45-degree line taken from windows serving habitable rooms of adjacent properties therefore the proposed extension is considered not to result in any material harm to the amenity of the neighbouring dwellings and the proposal therefore accords with Policy BE3 of the Local Plan and the Residential Design Guide SPD.

Parking

Policy TR3 requires all development proposals to comply with the parking standards set out in the most recent Parking Supplementary Planning Document.

Whilst having no objection on the grounds of parking Kenilworth Town Council have advised that compliance with the parking standards is assessed and ensured.

The development proposes the creation of two additional bedrooms within the extension area, increasing the total number of bedrooms in the dwelling to five. The Warwick District Parking Standards SPD outlines that any property with four or more bedrooms should include provision for three off street parking spaces, which is an increase of one over what is currently required at the property.

No objections have been received in relation to parking and it is considered that the driveway could accommodate at least three vehicles.

The proposal is therefore considered to be in accordance with Local Plan Policy TR3.

Ecology

The Ecology Department at Warwickshire County Council have recommended that notes relating to bats, nesting birds and hedgehogs are attached to any approval granted.

Conclusion

The development proposal is considered to be in keeping with the character and appearance of the property and the area. In addition, the proposals are not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to light, outlook or privacy, are considered to provide an appropriate amount of parking and are in accordance with the aforementioned policies. The application is therefore recommended for approval.

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) 5245-41 and specification contained therein, submitted on 30th July 2021. Approved drawing(s) 5245-62A, 5245-63A and specification contained therein, submitted on 6th December 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 rear terrace hereby permitted shall not be occupied unless and until the privacy screen has been erected in accordance with the approved details. The privacy screen shall remain in situ at all times thereafter. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 2 March 2022 **Item Number:** 9

Application No: W 21 / 1846

Registration Date: 04/10/21
Town/Parish Council: Barford **Expiry Date:** 29/11/21
Case Officer: Thomas Fojut
01926 456539 thomas.fojut@warwickdc.gov.uk

27 Keytes Lane, Barford, Warwick, CV35 8EP
Conversion of existing garage. Erection of proposed garden shed and partial demolition of existing wall FOR Harrison Projects Ltd

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This application is being presented to Planning Committee as Barford, Sherbourne and Wasperton Joint Parish Council object to the proposal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application proposes the conversion of an existing garage, the erection of a proposed garden shed and partial demolition of an existing wall.

THE SITE AND ITS LOCATION

The application property is a two storey semi-detached dwellinghouse located on the north side of Keytes Lane, Barford. The property is located within Barford Conservation Area and immediately south of the River Avon.

Dwellings within the street comprise of detached, semi-detached and terraced properties from various periods. The majority of properties within the street contain either large landscaped front gardens, hard surfacing for off-street parking or a combination of the two.

PLANNING HISTORY

W/15/1888 - Erection of replacement garage. Granted January 2016.

W/06/0476 - Erection of storage shed. Granted May 2006.

W/04/1665 - Replacement of a garage and replacement of existing boundary fence with a brick wall. Granted November 2004.

W/03/1492 - Erection of an extension to rear of property. Granted November 2003.

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)

Barford Neighbourhood Plan 2014-2029

- B6 - Heritage Assets
- B7 - General Design Principles
- B8 - Biodiversity and Design Principles

SUMMARY OF REPRESENTATIONS

Barford, Sherbourne and Wasperton Joint Parish Council - Objects to the proposals on the following grounds:

- The visual impact of the development;
- The effect upon the character of the neighbourhood;
- The adverse effect on the character and appearance of the Conservation Area;
- The proposed felling of an ancient yew tree and the loss of a heritage brick wall.

WCC Ecology - Recommend notes relating to bats, nesting birds and hedgehogs are attached to any approval granted.

Conservation and Design - No objection.

Tree Officer - No objection. Recommends a condition for tree protection measures is adopted and implemented.

ASSESSMENT

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

- Design and impact on the character and appearance of the street scene and wider Conservation Area;
- Impact on the amenity of neighbouring uses;
- Ecology;

- Trees.

Design and impact on the character and appearance of the street scene and wider 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 193 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 195 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

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 its environment through good layout and design.

Barford, Sherbourne and Wasperton Joint Parish Council object to the design of the proposals as indicated above.

The Conservation Officer has no objection to the scheme and does not consider that the proposal is harmful to the appearance and character of the Conservation Area. They consider the natural sloping topography of the land results in a very minimal visual impact and the general form of the garage is retained, with the small exception of a roof lantern.

The above comments have been noted and officers agree that the proposals are acceptable complying with the relevant policies and do not harm the character or appearance of the Conservation Area.

It is considered that the proposals are in keeping with the rest of the property, are an appropriate scale for the dwellinghouse and are not considered to appear at odds with the street scene. The development is therefore considered to accord with the guidance set out in the Council's Residential Design Guide SPD, the NPPF and Policies BE1 and HE1 of the Warwick District Local Plan.

Impact on the amenity of neighbouring uses

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. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and includes the 45 degree line and minimum separation distance guidance to protect against loss of light, outlook and privacy.
It is considered that the proposals will not breach the 45-degree line taken from windows serving habitable rooms of adjacent properties, and as a result the proposals are considered acceptable in terms of impact on light and outlook. Overall it is not considered the scheme would result in material harm through overlooking or loss of privacy to neighbours. The proposed extension is therefore considered not to result in any material harm to the amenity of the neighbouring dwellings accords with Policy BE3 of the Local Plan and the Residential Design Guide SPD.

Ecology

The Ecology Department at Warwickshire County Council have recommended that notes relating to bats, nesting birds and hedgehogs are attached to any approval granted.

Trees

One of the concerns of Barford, Sherbourne and Wasperton Joint Parish Council relates to the proposed felling of an ancient yew tree.

The Tree Officer has no objection to the proposals subject to a condition for tree protection measures, which has been included in the recommendation.

The objection comment above is noted and officers are in agreement with the Tree Officer that the proposals are acceptable as a tree protection measure will be included to ensure the protection of trees within the site.

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 cause harm to heritage assets. Moreover, the proposals are not considered to present a harmful impact upon the amenity of the neighbouring properties. The proposal is considered to be in accordance with the policies listed and it is therefore recommended for approval.

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/BAR/01 and specification contained therein,

submitted on 4th October 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 Prior to the commencement of the development hereby approved the tree protection measures recommended in the Tree Report reference 4256-CWS-01 dated 5 January 2022 prepared by Cotswold Wildlife Surveys Ltd shall be adopted and implemented in a timely fashion. The development thereafter shall be implemented in strict accordance with the approved details, and the approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** 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.