Planning Committee
Tuesday 14 September 2021

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 14 September 2021, at 6.00pm and available for the public to watch via the Warwick District Council YouTube channel.

Councillor Boad (Chairman)
Councillor Morris (Vice Chairman)

Councillor M Ashford
Councillor R Dickson
Councillor T Heath
Councillor O Jacques
Councillor J Kennedy
Councillor V Leigh-Hunt
Councillor C Quinney
Councillor N Tangri
Councillor J Tracey

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 meeting held on 17 August 2021 **(Pages 1 to 23)**

Part B – Planning Applications

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

5. **W/21/0170 – Abbey Fields, Swimming Pool, Bridge Street, Kenilworth**
Major Application **(Pages 1 to 28)**

6. **W/21/0610 – 1 Manor Farm Close, Royal Leamington Spa (Pages 1 to 4)**

7. **W/21/0965 – Land East of Turpin Court, Royal Leamington Spa (Pages 1 to 10)**

8. **W/21/1023 – Victoria Park, Archery Road, Royal Leamington Spa (Pages 1 to 7)**

9. **W/21/1034 LB – 22 Augusta Place, Royal Leamington Spa (Pages 1 to 3)**

10. **TPO 566 – 2 Fernhill Drive, Royal Leamington Spa (Pages 1 to 3)**

Please note:

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

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

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

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

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

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

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Planning Committee

Minutes of the meeting held on Tuesday 17 August 2021 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, Tangri and Tracy.

Also Present: Legal Advisor – Samantha Amphlett; Principal Committee Services Officer – Lesley Dury, Principal Planning Officer – Helena Obremski (attended remotely) and Business Manager, Development Management – Rob Young.

71. **Apologies and Substitutes**

(a) there were no apologies for absence made; and
(b) Councillor Falp substituted for Councillor Heath.

72. **Declarations of Interest**

Minute Number 75 – W/21/0485 – Victoria Park, Archery Road, Royal Leamington Spa

Councillor Falp declared and interest because she was a Member of the District Council's Cabinet. She left the room whilst this item was discussed.

Minute Number 76 – W/21/0179 – Former Mothercare, Royal Leamington Spa Shopping Park, Tachbrook Park Drive, Warwick

Councillor Falp declared an interest during discussions of the application because she was a Warwickshire County Council Councillor.

Minute Number 77 – 30 Palmer Road, Whitnash

Councillor Falp declared an interest because she would be addressing the Committee as Ward Member. She would not participate in discussions or decision on this application.

73. **Site Visits**

To assist with decision making, the following Members visited the following application sites independently:

W/21/0179 – Former Mothercare, Royal Leamington Spa Shopping Park, Tachbrook Park Drive, Warwick: Councillors Jacques, Kennedy and Leigh-Hunt.

W/21/0485 – Victoria Park, Archery Road, Royal Leamington Spa: Councillor Jacques.

W/21/1078 – 30 Palmer Road, Whitnash: Councillor Dickson, Falp and Jacques.

74. **Minutes**

The minutes of the meetings held on 24 June, 20 July and 21 July 2021 were taken as read and signed by the Chairman as a correct record, subject to an amendment to minute number 47, 20 July 2021, with the deletion of the words "There were no declarations of interest".

75. **W/21/0485 – Victoria Park, Archery Road, Royal Leamington Spa**

The Committee considered an application, from Birmingham Organising Committee for the 2022 Commonwealth Games Limited, for temporary use of an area of Leamington Spa Victoria Park for the purposes of hosting the Lawn Bowls event for the Birmingham 2022 Commonwealth Games; erection of temporary structures including four spectator stands, operational/media compounds, media/broadcast centre, spectator arrival points, and video screens and security fencing to the site boundary.

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

The officer was of the opinion that the temporary use of part of Victoria Park to host the Lawn Bowls event for the Birmingham 2022 Commonwealth Games was considered to represent a unique opportunity to deliver significant economic and social benefits for the local community and District. Subject to the conditions listed within the report, the proposal was considered to have an acceptable impact on neighbouring amenity, heritage assets, parking, trees and ecology. It was therefore recommended that the application should be approved.

An addendum circulated at the meeting provided additional clarification in respect of parking arrangements and access to the park. Details of two further objections received to the proposals were outlined, one of which was from Friends of Victoria Park. Changes to Conditions 3, 9 and 15 were advised and Warwickshire County Council Highways and Warwickshire County Council Legal Services had recommended that three further conditions be applied.

The following people addressed the Committee:

- Mr Adams, objector;
- Mr Rosillo, speaking on behalf of the Applicant; and
- Councillor Nicholls, Ward Councillor, objecting.

Members raised concerns that there were still a large number of issues that remained unresolved and asked whether these could be brought together in one Condition making permission dependent on full details being given for these issues. The Legal Advisor advised Members that such a Condition would be difficult to justify because the way in which the existing Conditions had been worded secured the additional confirmation required that full details would have to be supplied and approved prior to commencement. Therefore, the Committee were of the view that a Note to the Applicant should be added to the decision with a request that the Applicant, and Council, continued to engage with residents as more details became known and that the timescales that the Friends of Victoria Park had

put forward in the letter received by the Council that day be taken into account.

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

The Committee therefore

Resolved that application W/21/0485

(1) be **granted** subject to the following conditions:

No.	Condition
(1)	permission is granted for the temporary use and ancillary structures/infrastructure as detailed within the approved documents between 1st June 2022 and 31st August 2022. After this time, the use hereby permitted shall be discontinued and its associated ancillary works and structures removed from the application site and the land upon which the use occurred shall be restored in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the discontinuance of the use and which shall then be implemented in accordance with the approved restoration scheme. **Reason:** The approved use of the site and associated works would have a harmful impact on heritage assets and visual amenity if retained longer than the approved temporary period;
(2)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings VIC LBO 930, VIC LBO 931, VIC LBO 932, VIC LBO 933, VIC LBO 934, and VIC LBO 935, and specification contained therein, submitted on 15th March 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;

No.	Condition
(3)	no works of construction or decommissioning shall be undertaken unless and until a phased construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of the timing of the phasing of the construction or decommissioning phases and details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;
(4)	the development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected and notable species, such as reptiles, bats, nesting birds and hedgehogs and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

No.	Condition
	Reason: To ensure that protected species are not harmed by the development;
(5)	the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **Reason**: To ensure a net biodiversity gain in accordance with NPPF;
(6)	prior to the commencement of the development hereby approved (including all demolition and all preparatory work), the specification and alignment of all the ground protection measures required to prevent any damage to the assets within the Park shall be submitted to and agreed by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;
(7)	no development shall commence unless and until detailed drawings of all of the temporary infrastructure required, including, but not limited to: temporary seating, tents, cabins, video screen,

No.	Condition
	staging, power, fencing, flooring, lighting and signage, and their locations have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
(8)	the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
(9)	between the hours of 19:30 - 08:00 inclusive, noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of

No.	Condition
	the Warwick District Local Plan 2011-2029;
(10)	the use of the site permitted by this permission shall not be undertaken until a Noise Management Plan relating to the activities to be carried out pursuant to this planning permission has been submitted to and approved in writing by the District Planning Authority. Upon receipt of the written approval, the agreed Noise Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. **Reason:** To ensure that the level of noise as a result of the approved use is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(11)	no lighting or illumination of any part of any buildings or the site shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(12)	public access to Victoria Park shall be maintained at all times, with the exception of public access to the area contained within the 'security boundary' as shown on approved drawing VIC LBO 930 submitted on 15th March 2021. Restricted public access within the 'security boundary' area shall be kept to the minimum length possible to

No.	Condition
	facilitate the Commonwealth Games. **Reason:** To ensure the disruption and limited access to areas of public open space are kept to a minimum;
(13)	ground floor levels of any buildings should be a minimum of 300 millimetres (mm) above the general ground level of the site. **Reason:** In the interests of reducing occupant's risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;
(14)	a flood evacuation plan must be provided to users of the site and the site should be registered with the Environment Agency to receive flood warnings to ensure immediate action can be taken in the event of a flood, here https://www.gov.uk/sign-up-for-flood-warnings. **Reason:** In the interests of reducing occupant's risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;
(15)	all hardstanding to be installed at the site shall be made of porous materials, or prior to the installation of any hardstanding which is to be impermeable, a surface water drainage strategy containing the following information shall be provided and agreed in writing by the Local Planning Authority: • Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations up to and including the 1 in 5-year return period plus an appropriate allowance for climate change considering lifespan of the

No.	Condition
	development. • Evidence that the proposed discharge, generated by all rainfall events up to and including the 1 in 5-year return period plus climate change, has been limited /to QBAR / as far as reasonably practicable. • Where discharging to the existing on site drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any increased discharge to their system should be presented for consideration. • Demonstrate the proposed allowance for exceedance flow and associated overland flow routing. • Construction surface water management plan. The development shall be carried out in strict accordance with the approved details. **Reason:** In the interests of preventing increased risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;
(16)	commencement shall not take place until full details of the parking strategy and provision associated with the proposed temporary use have been submitted to and approved in writing by the local planning authority and implemented in full accordance with the approved strategy. The strategy shall include full details identifying the areas where parking is to be located, the number of spaces for all elements associated with the temporary use (displacement resident parking (for Archery Road Victoria Street and Victoria Road), visitors, competitors, competitor families, CWG organisers, media and all other ancillary),

No.	Condition
	identification of the location of the car parking spaces, including parking spaces for people with disabilities;
(17)	prior to commencement, a plan setting out the points of access to be used for all associated construction vehicles for the commission/de-commissioning of the associated infrastructure for the temporary use shall be submitted to and approved in writing by the local planning authority. This shall include areas for parking, manoeuvring, loading and unloading, including swept path analysis of vehicles accessing/egressing to/from the vehicular access and internal area. The area shall be provided in accordance with the approved details and shall thereafter be retained solely for the temporary use for the agreed duration;
(18)	prior to commencement, a scheme for the Traffic Management of the event including temporary route signing of the event for all associated traffic (non-event traffic including pedestrians and cyclists, event visitors-arriving by both car and public transport, competitors, competitors' families, organisers, construction traffic, etc), traffic regulation orders (TROs) and associated highway improvements shall be submitted to and approved in writing by the local planning authority. These shall remain in place for the agreed duration of the event, including commission/de-commission of associated infrastructure; and
(2)	a note be issued to the applicant that they, and Council, should continue to engage with the residents providing updated information on the delivery of the development to ensure that the residents are actively involved in the process, and to take into account the timescales tabled by Friends of Victoria Park within the letter received by the Council on 17 August 2021.

76. **W/21/0179 – Former Mothercare, Royal Leamington Spa Shopping Park, Tachbrook Park Drive, Warwick**

The Committee considered an application from Aldi Stores Limited for the demolition of an existing building and erection of a food retail store (Class E (a)) with associated car parking, servicing and landscaping, off Tachbrook Park Drive.

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

The officer was of the opinion that, subject to a satisfactory legal agreement which the applicant had confirmed that they were prepared to enter into, the development was considered to provide an enhancement to the street scene and would deliver suitable parking arrangements. The development would have an acceptable impact on the highways network and ecology and would not cause harm to neighbouring amenity. The proposal was therefore recommended for approval.

An addendum circulated at the meeting advised that Warwickshire County Council Legal Services had confirmed the detailed wording of the legal agreement restricting the use of the "existing Aldi" site as follows:

The legal agreement contained an obligation not to use the existing site for retail uses falling within class E (a) of the TCPA 1990 (which was display or retail sale of goods other than hot food).

It also stated that prior to any re-occupation of the existing site the owner had to obtain any necessary consents. This had been drafted on the basis that Aldi would move out to their new store and then Aldi or any new owner would need to make an application for planning permission for the existing store for retail use.

The legal agreement had been worded in this way to ensure that any new retail occupier would need planning permission before commencing use. This was required so that the parking provision could be assessed when a new occupier came forward.

The addendum advised of changes to Conditions 5, 6, and 8 and an additional Condition in respect of car parking. The Warwickshire County Councillor, Councillor Chilvers had submitted comments on the proposals and the details of these were included in the Addendum together with the response from Planning Officers to these.

The following people addressed the Committee:

- Mr Lever, objecting; and
- Mr Latchem, speaking in support.

Members were mindful that the parking issues at the current Aldi site were causing delays along Queensway with vehicles finding a place to park. The Principal Planning Officer informed them that the proposals were a 55% increase on current parking provision and whilst not the required number of spaces if assessed by the Council's Vehicle Parking standards, this had been assessed by Warwickshire County Council as sufficient following the survey

it had conducted. She reminded Members that the Council's standards were guidance. Members were also informed that the third cycle route WCC 3 was not considered a necessary requirement, by Warwickshire County Council, for these proposals to proceed; it was desirable. She was confident that the cycle route would eventually be provided but not as part of the S106 agreement that would be part of this application.

When the Principal Planning Officer referred to advice received from Warwickshire county Council Highways 5 August, Councillor Morris made the point that on the Planning Portal for this application, there had been no new information loaded onto it between 24 July up until 9 August. Councillor Boad was asked to contact the relevant Portfolio Holder to ensure that the relevant information on applications was loaded in a timely manner on the Planning Portal because Councillors referred to this and for the Public, it was their main source of information.

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

The Committee therefore

Resolved that W/21/0179 be **granted** subject to

(1) a satisfactory legal agreement being agreed to secure a financial contribution for cycle infrastructure improvements and securing the use of the neighbouring "Aldi" site to a non-food retail unit.

Authority is delegated to the Head of Development Services in liaison with the Chair of Planning Committee to finalise the terms of the legal agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

(2) the following conditions:

No.	Condition
(1)	the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
(2)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:

No.	Condition
	H20A40-P010 (floor plan), H20A40-P011 (roof plan), H20A40-P021 (elevations), H20A40-P030 (sections), H20A40-P040 (visuals), MEL-467-001-P3 (soft landscaping scheme), submitted on 29th January 2021, and H20A40-P003 (site plan), submitted on 25th March 2021, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(3)	the development hereby permitted shall not commence unless and until tree protection measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of demolition and construction works. The proposals must refer to all the trees within the site as well as those highway trees on the approach that may be affected by the proposed demolition and re-development, and must include: (a) an arboricultural method statement and tree protection plan in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, Clause 7 in particular; and (b) an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;
(4)	the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been

No.	Condition
	submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;
(5)	no development, other than works of demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall: • Demonstrate that the surface water drainage system(s) are designed in

No.	Condition

accordance with 'The SuDS Manual', CIRIA Report C753.

- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

(6) no development shall be carried out above slab level unless and until a hard landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within

No.	Condition
	three months of the first occupation of the development hereby permitted. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
(7)	the development hereby permitted shall not be commenced unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. A Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority within 3 months of first occupation. **Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029;
(8)	prior to commencement of development, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include: • How the development will reduce carbon emissions and utilise renewable energy. • Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.

No.	Condition
	• How proposals will de-carbonise major development. • Details of the building envelope (including U/R values and air tightness). • How the proposed materials respond in terms of embodied carbon. • Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised. • How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading. The development shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2021);
(9)	prior to the occupation of the development hereby permitted, the air quality mitigation measures outlined within the BWB technical note (Ref. ALS-BWB-VUT-ZZ-RP-G-0001_TN, Rev 2, dated 8th June 2021) shall be implemented in full. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;
(10)	within twelve months of the first occupation of the development hereby permitted, the

No.	Condition
	applicant shall submit a Travel Plan to promote sustainable transport choices to the site for approval by the local planning authority in writing. The measures (and any variations) approved shall continue to be implemented at all times thereafter. **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;
(11)	no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2100 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(12)	noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To 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;
(13)	the use of the lighting for the approved development shall be carried out and operated only in full accordance with the external lighting report and specification document prepared by Building Management Technology (Ref. B3621 (79_E1461), Issue A, dated 11th January

No.	Condition
	2021) and lux plot drawing (Drawing No. 79_E1461-BMT-XX-XX-DR-E-0105-A3-P01). **Reason:** To ensure that any lighting is operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(14)	no occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. **Reason:** To ensure the future maintenance of the sustainable drainage structures;
(15)	no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
(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

No.	Condition
	2011-2029;
(17)	in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;
(18)	the development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority. **Reason:** In the interests of Public Safety from fire and the protection of Emergency Fire Fighters;
(19)	the development hereby permitted shall be carried out in strict accordance with the approved soft landscaping scheme. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British

No.	Condition
	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;
(20)	the development hereby permitted shall be carried out to wholly accord with the detailed mitigation and enhancement measures as set out in the document 'Ecological Mitigation Strategy' (Revision B) prepared by Middlemarch Environmental Ltd. **Reason:** To ensure that protected species are not harmed by the development in accordance with the requirements of policy NE2 of Warwick District Local Plan 2011 - 2029. In order to discharge the condition above, a brief report from an ecologist following the bat and bird box installation must be submitted to and approved by the Local Planning Authority (with advice from WCC Ecological Services);
(21)	the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas, and cycle parking areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029; and
(3)	should a satisfactory Section 106 Agreement not have been completed by 14 September 2021, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

77. W/21/1078 – 30 Palmer Road, Whitnash

The Committee considered a partially retrospective application from Mr Burford for the erection of a first-floor side extension, a single storey rear extension and porch.

The application was presented to Committee because of the number of comments of support received when it was recommended that the application should be refused, and the application had been requested to be presented to the Committee by Councillor Falp.

The officer was of the opinion that the proposed first floor side extension formed an incongruous structure within the street scene that does not harmonise with the built form of its surroundings, and harmfully reduces the open nature of the corner plot location. It is therefore recommended that planning consent is refused in this instance

An addendum circulated at the meeting advised that the recommended reason for refusal given in the report has been revised to reflect the July 2021 update to the National planning Policy Framework, with particular regard to paragraph 134 and the weight afforded to high quality design.

The following people addressed the Committee:

- Mr Burford , speaking in support; and
- Councillor Falp, District Councillor, speaking in support.

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

The Committee therefore

Resolved that W/21/1078 be **refused** because 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. The Whitnash Neighbourhood Plan includes similar provisions. Paragraph 134 of the NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area, especially where it fails to reflect local design guidance and supplementary planning documents. The Council has also adopted the Residential Design Guide as a Supplementary Planning Document, which includes provisions in relation to the width of side extensions and retaining the openness of corner plot sites.

In the opinion of the Local Planning Authority the proposed first floor side extension constitutes an incongruous feature in the street scene. As a result of

both its scale, bulk, mass and siting within a prominent corner plot, the proposal would not be a subservient addition and would harmfully reduce the openness of this corner plot and compromise the building line along Palmer Road, thereby constituting bad design and harming the character and appearance of the street scene. The proposal would fail to reinforce the established character of the area, or respect surrounding buildings in terms of scale, height, form, and massing.

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

(The meeting ended at 8.10pm)

CHAIRMAN
14 September 2021

Planning Committee: 14 September 2021 **Item Number: 5**

Application No: W 21 / 0170

Registration Date: 28/01/21
Town/Parish Council: Kenilworth **Expiry Date:** 29/04/21
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Abbey Fields, Swimming Pool, Bridge Street, Kenilworth, CV8 1BP
Demolition of existing swimming pool and outdoor pool and redevelopment to provide two new indoor swimming pools and associated changing facilities with ancillary cafe, boundary treatment and landscaping. FOR Warwick District Council

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This application is being presented to Committee because the applicant is Warwick District Council, and due to the number of objections having been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the demolition of the existing swimming pool and outdoor pool and redevelopment of the site to provide two new indoor swimming pools and associated changing facilities with ancillary cafe, boundary treatments and landscaping. The scheme also includes the provision of a small sub station building within the red line boundary.

The proposed development will provide a new 25m (5 lane) swimming pool with spectator seating, a 15m family pool, accessible changing and toilet facilities, reception area and foyer, café with seating area and an outdoor terrace. The existing play area, pavilion and tennis courts will be retained.

The proposed building is predominantly a single storey structure with a double height element over the pool area. The elevations are proposed to be a combination of red sandstone facing stonework and timber cladding. Glazing is proposed on the east, south and west elevations, with the north elevation being predominantly timber cladding and stonework to reflect the fact that this elevation houses the plant areas within the building. Timber louver panels are proposed in this elevation to provide access to the plant areas.

An aluminium standard seam roof system is proposed with zinc standing seam cladding also proposed for elements of the roof structure. Glazed roof lights are proposed over the family pool area. Solar panels are proposed to the roof.

During the course of the application, in response to consultation responses, the applicant has provided a suite of additional information to address the points raised. There have also been the following changes to the design of the scheme:

- Installation of timber louvers at the pool hall windows.
- The timber cladding has been orientated in the same direction throughout to assist in harmonising the external appearance of the north elevation.
- Timber louver panel doors are now proposed in place of aluminium panel doors.
- At ground floor level, areas previously proposed as white render have been amended and are now proposed as red brickwork.
- The materials serving the exterior of the substation have been amended to timber cladding.

THE SITE AND ITS LOCATION

The application relates to an existing leisure centre building, which is positioned in the central section of Abbey Fields, an area of public open space serving Kenilworth. The site benefits from one indoor swimming pool and one outdoor pool, with changing facilities and cafe. An outdoor play area, pavilion building, tennis courts and car parking area serves the wider site.

The site is located within character area 7 of the Kenilworth Conservation Area and is of high heritage significance. To the north of the proposed development, in close proximity to the application site, lies the Grade I listed Abbey Ruins (Gatehouse and Abbey Barn) and Grade I listed Church of St Nicholas to the northeast. Abbey Fields also contains a Scheduled Monument – the surviving standing, earthwork and buried remains of Kenilworth Abbey and its wider monastic precinct.

Key views exist towards these Grade I listed buildings and further afield across the Abbey Pool towards Grade I listed Kenilworth Castle and its Grade II* listed Registered Park and Garden. Abbey Fields is also a locally important park and garden, as recognised in policy HE2 of the Local Plan, and forms part of the wider setting of Grade II listed buildings along Castle Hill, High St, Bridge St and Abbey Hill.

Inchford Brook Tributary potential Local Wildlife Site and Kenilworth Moss Local Wildlife Site are located nearby to the site. The application site is also located within Flood Zone 3.

RELEVANT PLANNING HISTORY

There are various previous applications related to this site, for alterations and extensions to the building, however, only the following is considered relevant to the assessment of this application:

W/21/0002 - (EIA) Screening Opinion for works at Abbey Fields Swimming Pool, for the provision of a new indoor swimming pool and associated changing facilities, cafe and landscaping - Environmental Statement not required.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

Kenilworth Neighbourhood Plan (2017-2019)

- KP8 -Traffic
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP13G - Design Management in Abbey Fields
- KP14 - Non-designated Heritage Assets
- KP15 - Environmental Standards of New Buildings
- KP21 - Flooding

Guidance Documents

- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection, members made following comments:

- Major concerns were expressed on the ability of Abbey Fields to cope with the anticipated large influx of extra visitors by car. The Transport Assessment statement that this development will have no impact is not acceptable.

- Any proposed increasing use of on street parking was not considered realistic due to existing pressure. Access to existing off site car parks is poor. Notably walking from Square West is some distance and presents safety issues with unlit and steep sections.
- Poor disabled parking and access arrangements were noted, given that this will be a Centre of Excellence for disabled swimming.
- Members considered there to be a disconnect between the Design and Access Statement and the "WCC Healthy Travel Choices in Warwickshire" document.
- Provision for cycling should be fully integrated with this development.
- Cycling access to the Swimming Pool is essential. This proposal should take into account and fully integrate with other initiatives, including the Abbey Fields Management Plan and consultation for options for cycling.
  A decision not to meet net zero Carbon standard due to cost is shortsighted and will merely result in expensive retrofitting. This represents a significant lost opportunity.
- Is the CHP plant future-proofed in that it will convert to use other fuel sources eg. hydrogen?
- Will the Building Management System be used to ascertain that the actual in-use energy performance meets the declared energy use in the application? What action will be taken and who will be liable should there be a performance gap?
- KTC request a truly independent analysis of these proposals regarding the declared energy performance of this development with respect to its GHG footprint.
- Members specifically asked for a Life Cycle Analysis to be conducted, considering energy and cost savings over a 30 year period for a high energy performance building.
- There appears to be a disconnect between the Council's Climate Change Emergency declaration and working intentions.
- A comprehensive and explicit Construction Management Statement is required. Abbey Fields is a vital and highly used facility. The movement of construction traffic, location of storage compounds and other logistics will be intrusive and result in loss of amenity / impact on play areas / heritage assets.
- Members noted that the North façade will now be slatted timber clad. They assumed this material will maintain its appearance over a prolonged period, was sufficiently vandal proof and would enable appropriate maintenance of glazing.

WCC Archeaology: No objection, subject to condition.

Conservation Officer: No objection to amended plans, subject to conditions.

WCC Ecology: No objection, subject to conditions.

WCC Highways: No objection, subject to condition.

CAF: Overall, the Forum felt that the revised scheme was an improvement and they approved the changes that had been made particularly to the materials and detailing.

WCC Fire and Rescue: No objection, subject to condition.

Environmental Health: No objection, subject to conditions.

Environment Agency: No objection, subject to condition.

Historic England: No objection to amended plans.

WCC LLFA: No objection, subject to conditions.

Tree Officer: No objection, subject to condition.

Sports and Leisure: No objection.

Open Space: No objection, the development is exempt from open space requirements due to having less than 100 full time employees.

WCC Landscape: No objection, it would be useful to see visualisations of the existing site. Could hard surfacing be softened with some additional planting? This would also help to absorb surface water run-off. Some additional planting would help to soften views of the building and provide some visual interest. Detailed landscaping should be secured by condition. An arboricultural report required.

Natural England: No objection.

CCTV: No objection.

Warwickshire Wildlife Trust: Although it is noted that the site was previously developed, the new proposals appears to be larger than the former site with the potential to attract more tourism, noise and traffic. Construction work on the land is also considered to be an issue for the Local Wildlife Site, identified protected species and biodiversity and if allowed would need to be tightly controlled in order to avoid an impact on the Local Wildlife Site. There is also particular concern regarding permanent new lighting from the proposed scheme, especially on protected bat and otter species, and it is not understood how this could in reality realistically be reduced. The proximity to the large fish pond and Finham Brook is also an issue and the long term impact of noise from the extra number of visitors.

Public Responses: 4 Neutral: more parking is required; surprising to see that the cafe is not on the first floor to benefit from views of the surrounding area; request that rebuild is not carried out at the same time as the Castle Farm replacement; more information is required; the new pools could prove very popular.

Kenilworth Abbey Advisory Committee: no objection:
- supports recommendations from WCC Archeaology regarding conditions;
- welcome changes to exterior design;

- do not support the location of the sub station.

93 Objections:

Impact on amenity
- Increased noise and air pollution to neighbouring residential properties.
- Impact from construction traffic.
- Concern regarding baseline noise data.

Loss of outdoor pool / demand swimming pools
- The loss of the outdoor pool is a huge loss of community facility for the region as there are no others locally.
- Adverse impact on existing recreation facility.
- There is no demand for two indoor pools locally.
- The indoor pool attracts visitors who spend money in the cafe and local area, which will impact negatively on the economy.
- There are health benefits of outdoor swimming.
- Requests that swimming pool is relocated to Castle Fields and provision of a paddling pool rather than swimming pool.
- There is no need for indoor sunbathing area.
- The outdoor pool can be made profitable.
- The consultation exercise did not listen to local residents who want an outdoor pool, which could easily be accommodated.

Impact on the character of the area and heritage assets
- The proposals will increase the number of visitors to an unacceptable level which will have a detrimental impact on the landscape.
- Poor quality design which is already dated and does not respond to historic setting.
- Proposed location of gas metre and electricity substation is visually intrusive.
- Harmful impact on items of archeaological importance.

Highway safety / parking
- Insufficient parking, increased visitors will impact on surrounding residential streets.
- Inadequate vehicle, cycle and pedestrian access to the site cannot cope with additional demands, which will cause additional safety issues.
- The Travel Plan promotes cycle to the site, however, cycling is not permitted within Abbey Fields.
- Inadequate disabled parking provision.

Other
- The plan goes against the council's sustainability policies and will emit more carbon than the existing site.
- Concern regarding increased areas of hard standing and increased risk of surface water flooding and proposed drainage strategy.
- Query why alternative SUDS measures are not being considered and that the flood evacuation plan is not sufficient.
- Concern regarding ecological impacts.
- Concern regarding financial impact of the proposal.

- It is a waste of taxpayers money.
- Queries whether a cost / benefit analysis has been carried out.
- The site should be lit until midnight owing to safety concerns walking through Abbey Fields in darkness.

Friends of Abbey Fields Committee: Objection:
- the cafe would be better sited on the north elevation;
- the siting of the sub station should be relocated to avoid harm;
- terrace area should be screened and concern regarding light spill onto lake;
- flood risk;
- lack of information on landscaping.

Kenilworth Lido Campaign: objection:
- loss of sport and recreation facility, with no alternative to the outdoor pool provided;
- no additional parking provision despite increase in visitors, leading to impact on neighbouring residential streets and congestion;
- inadequate disabled parking provision;
- lack of provision of electric vehicle charging points;
- detrimental impact on highway, cyclist and pedestrian safety;
- detrimental impact on ecology;
- failure to consider the historic environment;
- inadequate sustainability measures;
- visual intrusion within Abbey Fields and surrounding vistas;
- demolition and construction work will impact on nearby residents;
- there is no demonstrated need for an additional pool, an indoor pool brings greater benefits;
- queries regarding how construction works will impact on surrounding facilities (tennis, play equipment) and to pavilion building, and carnival and funfair;
- an outdoor pool would better meet needs of District: health and wellbeing benefits, consumer demand, outdoor exercise reduces risk of transmission of coronavirus;
- the Covenants of Abbey Fields requires that the area is used for recreational purposes, rather than commercial purposes, which has not been addressed;
- the additional documents fail to adequately address the issues raised.

13 Support:
- Requests additional disabled parking and that staff are not permitted to park nearby to the site.
- Requests outdoor paddling pool for young children.
- The proposed development will provide opportunities for exercise and play.
- Access and sanitary arrangements reference out of date standards. Queries disabled pool access arrangements.
- The existing pool and facilities are in desperate need of updating.
- The design is a significant improvement on the current building, using appropriate materials.
- Conditions can address the concerns from historic england regarding impact on items of archeaolgical importance.
- It will become a focal point for social gathering and relaxation.
- Enhanced facilities.

- Queries regarding accessibility of cafe, outdoor kiosk, request for splash pool, whether the glass doors can open onto Abbey Fields lake and how they will be cleaned.

Assessment

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

- the principle of development;
- design and impact on heritage assets;
- archaeological impact;
- impact on amenity;
- impact on trees;
- car parking and highway safety;
- sustainability
- air quality
- ecological impact;
- flood risk and drainage;
- other matters.

Principle of development

Local Plan Policy HS1 gives an overarching direction, for creating healthy, safe and inclusive communities, which seeks to encourage healthy lifestyles by providing opportunities for formal and informal physical activity, exercise, recreation and play. Policy HS5 indicates general support for proposals for new and improved open space, sport and recreation facilities. It then goes on to require such proposals to demonstrate that they address any shortfall in provision identified in the Built and Indoor Sports Facilities Strategy, the Green Infrastructure Study and / or the Green Space Strategy.

The supporting information submitted with the application informs that the Council's Sports and Leisure Strategy 2018 provides the long term approach to sports and leisure provision and planning across Warwick District.

The improvement of facilities in Kenilworth is one of the main focuses of this strategy, in order to bring Kenilworth's facilities in line with others across the District, which have seen investment in recent years. Importantly, the Sports and Leisure Strategy establishes that there is a predicted shortfall in swimming pool provision in Kenilworth.

The Strategy provides analysis of swimming pool provision in the District. It explains that when taking into account the projected residential development and associated population growth up to 2029, if supply remains unchanged, demand for swimming pool provision will slightly exceed supply. The unmet demand in Kenilworth equates to 15sqm of water. Paragraph 1.67 of the Strategy states that further modernisation of Abbey Fields Swimming Pool is needed to ensure that the building can accommodate the projected higher levels of usage. It is

therefore considered that part 'a' of Policy HS5 is met, as there is a clear projected unmet need for additional swimming facilities in Kenilworth.

Policy HS5 then goes on to set out a "town centre first" approach to the location of new sport and recreation facilities, unless: (i) the proposal is accessible to the community it proposes to serve by means other than the private car; and (ii) there is a need to enhance an existing facility or provide a new facility that has specific locational requirements. Paragraph 5.74 of the explanation to the policy gives the example of where it may be more appropriate to enhance an existing facility, co-locate or combine with other community uses, at other sustainable locations, to ensure long term viability.

With regard to Criterion (i), whilst situated outside of the town centre, the site is in a sustainable location, and just 150 metres from the edge of the town centre boundary. There are a number of bus stops surrounding the site along Abbey Hill, the A452 and High Street. The site is also within easy walking and cycling distance of the town centre. Therefore it has been concluded that the proposals comply with Criterion (i).

In relation to Criterion (ii), the site is one of the two main existing leisure facilities for Kenilworth. The proposals are for a replacement and expansion of this existing facility in order to ensure its long term viability and to meet an projected unmet need within the local area of Kenilworth. Consequently Criterion (ii) above is clearly met.

Members of the public have strongly objected to the loss of the outdoor pool in terms of the loss of this as a public facility, which has health and wellbeing benefits, consumer demand, and state that outdoor exercise reduces risk of transmission of coronavirus. They object on the basis that there is no demonstrated need for an additional pool, and the indoor pool brings greater benefits.

Members of the public suggest there are health benefits associated with outdoor pool and express concerns that the consultation exercise on the proposed leisure plans by the applicant did not take on board local residents' requests to retain the outdoor pool. Supporters of the proposal however state that the proposed development will provide opportunities for exercise and play, and that the existing pool and facilities are in desperate need of updating.

Whilst the above comments from local residents are noted, Local Plan policy H5 regarding the principle of improving sport and recreation facilities specifically refers to the Council's Sports and Leisure Strategy. This document clearly shows that there is a demand for the proposed facilities and there will be an undersupply of swimming pools by 2029 if no enhancements are made.

There is no planning policy requirement to retain the outdoor pool, if equal or enhanced facilities are provided in its place. In this case the Council's Leisure Strategy is clear that there is demand for enhanced swimming pool facilities, which are provided in place of the outdoor pool. This is clear and convincing justification that the principle of development is acceptable.

For the above reasons it has been concluded that the proposals are in accordance with Local Plan Policy HS5.

Design and Impact on Heritage Assets

Policy BE1 of the Warwick District Local Plan (2011-2029) and Policy KP13 of the Kenilworth Neighbourhood Plan seek to ensure that development proposals achieve a high quality design. Increased emphasis on good design is proposed by the updated NPPF (2021).

Policy KP13G provides specific guidance for development within the Abbey Fields Character Area, stating that development should have regard to relevant design characteristics, such as significant views across the Fields; the importance of the lake as a water feature; consideration of the heritage assets within the park; and the importance of trees within the Fields. The policy specifically refers to the swimming pool and children's play area occupying a significant location with views from Abbey Hill, that the 1925 bowls pavilion should be retained and that building materials are generally masonry, brick, render, timber cladding and slate tiles.

Section 72 of the Town and Country Planning (Listed Building and Conservation Areas Act) 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

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

Policy HE1 of the Local Plan mirrors the above requirements of the NPPF. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Members of the public consider that the proposals will increase the number of visitors to an unacceptable level which will have a detrimental impact on the landscape. They consider the development to be poor quality design which is already dated and does not respond to the historic setting.

Comments suggest that the proposed location of gas metre and electricity substation is visually intrusive. It is stated that there is a lack of information on landscaping. However, supporters of the proposal state that the design is a significant improvement on the current building, using appropriate materials and that it will become a focal point for social gathering and relaxation.

The proposed building would be a one and two storey building, predominately being single storey, with a double height section over the pool area. It would have a modern but simple design, with the use of materials to break up the different sections of the building, and add visual interest. Overall, the scale of the building would be read similarly to that of the existing building, providing an appropriate form of development which responds to the existing built form. The proposal also includes the provision of a modest substation building to be clad in timber to the north of the main building.

The applicant states that the scale and massing of the proposed building has been designed to follow the low ridge and eaves as on the existing building, to minimise its physical impact on the park setting. The existing landscape features of the park will be retained. The applicant advises that the proposed materials of red sandstone and timber have been chosen to reflect similar materials in the nearby townscape.

Initially, both Historic England and the Conservation Officer raised concerns regarding the proposed design, noting that the existing building, although not particularly attractive, sits well in the landscape given its low eaves and use of dark materials. The proposed building was considered to create an overall impression of greater bulk and massing, with the north elevation appearing particularly prominent, rising to full height, with a mixture of materials. Concern was raised regarding the height of the north elevation and use of solar panels. The use of sandstone as an appropriate material was supported, but concern was raised regarding the proposed wider mix of materials, which led to an incoherent appearance. The position of the sub station was questioned as being in a location which impacted on important views from the heritage assets within the park.

The applicant confirmed that the location of the substation is dictated by the distance that it is required to be from the swimming pool building and this standard is set by Western Power for safety reasons. Similarly, the size of the substation is set by the requirements of Western Power. The applicant has attempted to enter into negotiation with Western Power on this matter, but they have not been willing to amend the restrictions regarding the distance of the sub station from the main building. There are therefore limited options in terms of where the substation can be positioned, and this is a requirement to facilitate the development.

It must be noted that the comments from the Conservation Officer and Historic England were provided without the benefit of visualisations of the proposed development, which were then provided, along with amendments to the materials as requested.

The visualisations highlighted that the more muted colour palette for the north elevation, with use of timber which is a natural material, has softened this

elevation. The use of vertical timber cladding now also moves the focus away from the width of the building, which helps the development to harmonise with its surroundings. The cladding of the sub station also allows the building to blend in with the main building from important views from the north, and means it is also more complementary to the design of the nearby wooden pavilion building.

The Conservation Officer has commented on the amended plans that the development proposes a simpler, more refined palate of materials with white render removed and arrangement of timber cladding consistent on each elevation. He has no objection to this proposal and recommends that details of all facing materials be covered via condition. Historic England provide similar comments and conclude that they now have no objection to the proposed development.

The Conservation Area Forum have confirmed that the revised scheme is an improvement and they approved the changes that had been made particularly to the materials and detailing. WCC Landscape provided comments on the initial drawings, stating that it would be useful to see visualisations of the existing site and could hard surfacing be softened with some additional planting. Visualisations have been provided. A detailed landscaping scheme will be secured by condition.

The existing building is not considered to have any particular architectural merit, and therefore it's removal is acceptable in principle, as it does not make a positive contribution to the Conservation Area. The proposed development is considered to represent good quality design which responds well to the existing setting in terms of scale, massing and form, and would be a vast improvement in comparison to the existing building. The use of appropriate, natural materials aids in the development harmonising with its setting within the parkland. This helps to ensure that the building, access and open space surrounding it relates well to each other, and provides a safe and attractive environment, which is requirement of Local Plan policy BE1.

Therefore, it is considered that the amendments have satisfactorily addressed the concerns raised by the Conservation Officer and Historic England, and would therefore preserve the Conservation Area, and not have a harmful impact on designated heritage assets. The development is considered to provide a high quality design which is appropriate for its purpose and setting. The proposal is considered to be in accordance with the aforementioned policies.

Archaeological Impact

Members of the public suggest that there would be a harmful impact on items of archeaological importance.

Initially, Historic England and WCC Archeaology raised concern regarding the impact of the development in items of archeaological importance, and lack of information on this matter. Discussions were held between these parties and the applicant, and further information was provided in support of the application to address this matter. Both WCC Archeaology and Historic England have confirmed

that following the submission of this additional information, they are now reassured that the development can proceed with harm to items of archeaological importance, subject to a condition for the provision of a program of archeaological works. This has been added.

The development is therefore considered to be in accordance with Local Plan policy HE4.

Impact on amenity

Policy BE3 seeks to ensure that the residential amenities of the occupiers of neighbouring residential properties are not harmed by proposed development. Policy KP13 states that the impact on residential amenity of existing and future residents must be assessed and addressed.

Members of the public have expressed concerns regarding increased noise pollution to neighbouring residential properties. They also have concerns regarding the impact from construction traffic and regarding baseline noise data provided by the applicant.

The leisure centre is positioned within the centre of a large expanse of public open space, on a low lying parcel of land. The proposed structure is therefore not considered to have a detrimental impact on outlook, privacy or light on neighbouring amenity.

Environmental Health Officers have assessed the application and note that whilst the site is a reasonable distance from residential and other noise sensitive premises, construction works could impact on amenity. They therefore recommend that a condition is attached for the provision of a Construction Management Plan, which was also requested by the Town Council. Environmental Health Officers also request a condition which restricts the noise emitted from plant equipment to protect neighbouring amenity. Environmental Health Officers have thoroughly assessed the information provided by the applicant, and these conditions are considered to address the concerns of members of the public.

The conditions are considered to be reasonable and necessary for the purposes of the development and have been added. The development is therefore considered to be in accordance with Local Plan policy BE3 and Neighbourhood Plan policy KP13.

Impact on Trees

There are no proposed alterations or removal of any trees within the site boundaries. However, the Tree Officer requested an Arboricultural Method Statement be submitted in order to demonstrate that no trees would be harmed during the construction of the development. This was provided by the applicant and it has been assessed by the Tree Officer. Initially, there was concern regarding the lack of detailed information, and an updated Tree Report was provided by the applicant in order to address these concerns. Following receipt of this information, the Tree Officer has no objection to the development, subject to

a condition which ensures that the submitted tree protection measures during the construction works are put in place, which has been added.

Car Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 seeks to ensure that sufficient parking is provided. Policy KP12 states that development proposals should incorporate parking and cycle spaces at or above the numerical and design expectations set out in the Vehicle Parking Standards.

Members of the public consider that there is insufficient parking, that increased visitors will impact on surrounding residential streets, and there is inadequate disabled parking provision. Members of the public also consider that there would be inadequate vehicle, cycle and pedestrian access to the site, which cannot cope with additional demands, and will cause additional safety issues. It is stated that the Travel Plan promotes cycle to the site, however, cycling is not permitted within Abbey Fields. A query is raised regarding how construction works will impact on surrounding facilities (tennis, play equipment) and to the pavilion building, and carnival and funfair.

The Town Council state that they have major concerns on the ability of Abbey Fields to cope with the anticipated large influx of extra visitors by car. The Transport Assessment states that this development will have no impact is not acceptable.

Any proposed increased use of on street parking was not considered realistic due to existing pressure. Access to existing off site car parks is poor, notably walking from Square West is some distance and presents safety issues with unlit and steep sections. Poor disabled parking and access arrangements were noted, given that this will be a Centre of Excellence for disabled swimming. Members considered there to be a disconnect between the Design and Access Statement and the "WCC Healthy Travel Choices in Warwickshire" document.

They state that provision for cycling should be fully integrated with this development and that cycling access to the Swimming Pool is essential. This proposal should take into account and fully integrate with other initiatives, including the Abbey Fields Management Plan and consultation for options for cycling.

Highway Safety

WCC Highways have assessed the application and note that the application is supported by a Transport Assessment which considers the impact of the development proposals on the Highway Network. It is noted that there will be an increase in vehicle movements following completion of the development which equates to between 169 and 251 additional pool users per day compared with the current facility on the site. However, importantly owing to the type of use of the site, the peak hour flows will only increase slightly, therefore there will be no adverse effect on the public highway in terms of safety or capacity as a result.

Parking

The proposed development does not include any additional car parking to serve the development. Based on the existing floor area, the parking demand would be 233 spaces. The proposed development would generate a demand of 240 spaces, an increase in 7 spaces, because the floor area is broadly similar, however a small area of spectator seating increases the overall demands slightly.

Any staff and visitors to the new swimming pool who arrive by car will use existing public parking facilities in the vicinity of the site. Dedicated vehicular access to the building will only be available for disabled users and service vehicles.

The Transport Assessment provides parking survey data which shows that there is only a short period (on Friday late afternoons/early evenings) when the Abbey Fields car park operates near to capacity. It is observed that much of the demand at this time arises from local children using the pool for swimming lessons – a cohort who are regular customers who will be familiar with the local conditions, may be able to travel using sustainable modes and/or able to find suitable alternative parking arrangements. This cohort will be a particular target of the Travel Plan.

The data also confirmed that much of the on-street car parking use around Abbey Fields is linked to commercial and employment activities in the local area and therefore, as spaces become available late afternoon and into the evening, capacity becomes available for swimming pool users.

The Transport Assessment also identifies that parking requirements will be able to be accommodated within the residual capacity available within other publicly available car parking facilities. This includes the Square West car park which is located 400m from Abbey Fields, which is identified in the Warwick District Car Park Strategy as being significantly under utilised. Dedicated parking spaces for use by disabled users have been included and entry to these spaces will be controlled via a security barrier, which will only allow access to blue badge holders. This is a continuation of the existing arrangements.

WCC Highways note that the parking provision falls short of the requirements of the 2018 Parking Standards. However, they accept the conclusions of the Transport Statement, which demonstrates that there is sufficient capacity off site to accommodate any additional demand over the provision.

Parking for 30 cycles is proposed as part of this application, which complies with the Council's requirements. As part of the Travel Plan, the operators are required to monitor the use of the cycle parking bays and should demand approach the level of provision, additional cycle parking will be provided.

The Highway Authority consider that a thorough and robust assessment of the development proposals has been undertaken. Based on this assessment, the Highway Authority is satisfied that the development proposals will not have a

detrimental impact on the safety, operation or capacity of the local highway network, and accord with the NPPF. Therefore, the response of the Highway Authority is one of no objection, subject to a condition for a Construction Management Plan.

The residents concerns regarding the impact of additional parking is noted. However, the submitted information shows that there would likely be a few hours per week when the Abbey Fields car park would operate at capacity, and that there is space within the surrounding streets and car parks to accommodate any overflow. On the basis of this evidence, it is not considered that Officers have grounds to refuse the application on the basis that there would be a material harmful impact on amenity in this regard.

The development is therefore considered to be in accordance with the aforementioned policies.

Sustainability

Local Plan policy CC3 states that all non-residential development over 1000 sq. m is required to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent), unless it can be demonstrated that it is financially unviable or a suitable alternative sustainability strategy is proposed and agreed with the Council. Neighbourhood Plan policy KP15 states that development proposals are encouraged to adopt higher environmental standards of building design and energy performance.

Members of the public state that the development goes against the council's sustainability policies and will emit more carbon than the existing site. It is considered that inadequate sustainability measures are proposed by the applicant.

The Town Council state that the decision not to meet net zero carbon standard due to cost is shortsighted and will merely result in expensive retrofitting. They ask is the CHP plant future-proofed in that it will convert to use other fuel sources such as. hydrogen and will the Building Management System be used to ascertain that the actual in-use energy performance meets the declared energy use in the application?

They question what action will be taken and who will be liable should there be a performance gap? The Town Council request an independent analysis of these proposals regarding the declared energy performance of this development with respect to its GHG footprint and a Life Cycle Analysis to be conducted, considering energy and cost savings over a 30 year period for a high energy performance building.

The applicant proposes an alternative sustainability strategy to address the requirements of the Local Plan, which is a 'low-carbon approach'. A Combined Heat and Power Plant (CHP) is proposed to provide hot water and heat generation. Air Source Heat pumps for heating and cooling are proposed for the café and entrance and office areas of the proposed development. Solar panels to

the roof are also proposed. The applicant advises that the proposed measures minimise carbon dioxide emission, energy consumption and water use have resulted in a bespoke strategy tailored to the circumstances on the site, and associated viability considerations.

The applicant outlines that BREEAM assessment is a tool which is very well suited to standard building types. However, it can be constrained when applied to more bespoke building types. In the case of the new swimming pool at Abbey Fields, which falls within this bespoke category, it must be recognised that the opportunity to secure several of the standard credits is limited. It is relevant to note that the Council is currently drafting a Net Zero Carbon DPD, which will move away from the use of BREEAM as a measure of sustainability.

It must also be acknowledged that where a new building is being built on an existing site (as proposed in this application), the location of the site and the extent of available land will also have a bearing on the opportunity to obtain credits and that these factors will frequently restrict a development's performance against BREEAM standards. Given how prescriptive BREEAM is and that it has acknowledged limitations when applied to a non-standard building type, such as is proposed at Abbey Fields, it is widely recognised that other sustainability assessment tools may often provide a more appropriate and more effective alternative.

Officers agree that for the above reasons, BREEAM can be restrictive and that for a bespoke site and development, such as with this application it would be suitable to consider an alternative option, given that the site is constrained and the location cannot be altered, and that the proposal is for a leisure centre. Officers requested that the applicant attempt to demonstrate whether the proposed low-carbon approach would have similar energy saving as that which would be achieved by a BREEAM development.

The Sustainability Addendum submitted addresses this. Within the document, this shows that many measures which are required through BREEAM will be adopted by the applicant as part of their strategy, such as responsible construction practises, energy monitoring, water consumption, responsible sourcing of construction products and operational waste, would actually achieve an "excellent" rating from BREEAM, rather than the Council's required level of "very good". Notably, these elements are a betterment of what would be achieved through the BREEAM very good requirements.

Importantly, the building adopts a 'fabric-first' approach towards construction, which will reduce carbon emissions. Fabric and passive efficiency measures will enhance the building u-values, improving the values over the Building Regulations requirements. There will also be active energy efficiency measures incorporated into the design to reduce energy use and carbon emissions, and there will be a Building Management System to ensure there is regular monitoring of energy use and review. The applicant advises that the proposed building would have a 33% reduction in carbon emissions than the existing building.

The Addendum has considered alternative and additional energy saving measures, however, these were not considered financially viable. As per the wording of Local Plan policy CC3, financial viability is a material consideration.

The report concludes that the scheme would result in a 6% reduction in energy demand and 18% reduction in carbon emissions in comparison to building regulation requirements.

Many comments relate to the Council's Climate Change Emergency Declaration and the fact that the building would not be net carbon zero. An important distinction needs to be made between the Council's Climate Change Emergency Declaration as a declaration from a public body, and the requirements of the Local Plan as the adopted Development Plan, only the latter of which this application must be assessed against. The NPPF, Local Plan and Neighbourhood Plan do not have a requirement for the proposed building to be net carbon zero. What must be considered is whether the applicant's 'low-carbon strategy' is a "suitable alternative sustainability strategy" as required by Local Plan policy CC3.

In Officer's view, given the significant constraints of this site, bespoke nature of the development and restrictive nature of BREEAM, an alternative approach can be considered. The applicant has shown that many measures will exceed the 'very good' standard required by Local Plan policy CC3 and that other energy efficiency measures had to be discounted due to financial viability concerns. On balance, Officers consider that the alternative sustainability approach meets the requirements of the aforementioned policy.

Air Quality

Members of the public express the concern that the development will result in a detrimental impact on air quality.

However, the submitted air quality report has identified that the proposed development is unlikely to have an adverse impact on local air quality. The development has been classified as a medium scheme in accordance with Warwick District Council’s air quality supplementary planning document (AQ SPD) (2019) and therefore Type 1 and Type 2 mitigation measures would be necessary. The proposed combined heat and power (CHP) plant has also been reviewed in accordance with the Council's required emission limits in the AQ SPD and have been confirmed as compliant.

No additional car parking is proposed as part of the development therefore the air quality report identifies that Type 1 mitigation would not be necessary, which Environmental Health Officers agree with. For Type 2 mitigation, the report recommends the implementation of a site travel plan. Environmental Health recommend that a suitably worded planning condition is included with any permission that may be granted requiring the implementation of a travel plan as well as the proposed CHP being installed and maintained to meet the emission limits set out in the AQ SPD and applicant’s air quality report.

Conditions to secure these details have been added.

Comments are made that there is a lack of provision of electric vehicle charging points. As no additional parking is provided, it is not reasonable to insist on the provision of electric vehicle charging points, in accordance with the requirements of the AQ SPD.

Ecological Impact

Local Plan policy NE2 states that the Council will protect designated areas and species of national and local importance for biodiversity and geodiversity. Policy NE3 states that development proposals will be expected to ensure that they lead to no net loss of biodiversity, and where possible a net gain, to protect or enhance biodiversity and to avoid negative impacts on existing biodiversity. There is a requirement in the updated NPPF to ensure a net biodiversity gain from development proposals.

Concern is expressed regarding ecological impacts, and it is stated that the site should be lit until midnight owing to safety concerns walking through Abbey Fields in darkness.

A Low-Impact Ecological Impact Assessment was provided with the application. This has been assessed by WCC Ecology who consider that given the length of time since bat surveys of the site were carried out, that updated surveys are required. This can however be secured by condition. A Construction and Environmental Management Plan is required in order to protect species such as amphibians, reptiles, nesting birds, hedgehogs, water voles and otters. Measures to protect the Finham Brook potential Local Wildlife Site, the Abbey Fields Local Wildlife Site and trees must also be considered within the Construction and Environmental Management Plan. This information can be secured by condition. A condition for the provision of bat boxes and hedgehog housing will ensure a net biodiversity gain as a result of the development.

Additional information was requested regarding the compound area and lighting. This information was provided and there has also been consultation between WCC Ecology and the applicant. Following changes to scheme to provide blinds which will limit the light spill from the building, which can be secured through the condition for additional bat surveys and mitigation measures, WCC Ecology have confirmed that they have no objection to the proposal.

The concerns raised by the Warwickshire Wildlife Trust regarding the impacts on the Local Wildlife Site and lighting are considered to have been adequately addressed by the additional information to satisfy WCC Ecology. It is noted that Natural England have no objection to the proposal. The site cannot be lit until midnight owing to the impacts on protected species. It should be noted that the site is not currently lit until midnight, so there would be no change in this regard.

The development is therefore considered to be in accordance with Local Plan policies NE2 and NE3.

Flood Risk and Drainage

The application site is located within Flood Zone 3. Local Plan policy FW1 states that there is a presumption against development within Flood Zone 3. Development must be resilient to surface water, fluvial and pluvial flooding. Where new development lies in an area of flood risk it must be designed to be flood resilient with safe dry access for vehicles and pedestrians. It must be noted however, that the proposal seeks to replace an existing building, which is considered to be one which is low vulnerability, with another of a similar scale, in the same use.

Members of the public express concern regarding increased areas of hard standing and increased risk of surface water flooding and the proposed drainage strategy. A query is raised why alternative SUDS measures are not being considered and that the flood evacuation plan is not sufficient.

Initially, the Environment Agency and LLFA objected on the basis that additional information was required. An updated Flood Risk Assessment was provided which has satisfied both consultees requirements. The LLFA have requested conditions for the provision of a detailed surface water drainage scheme and detailed maintenance plan.

The Environment Agency have requested that the development is carried out with the amended information contained within the updated Flood Risk Assessment, which will be controlled by condition. Neither consultee consider that the development, subject to conditions, would lead to increased surface water flooding or that alternative SUDS are required, or that the flood evacuation plan is not sufficient.

The development is therefore considered to be in accordance with Local Plan policies FW1 and FW2.

Other Matters

WCC Fire and Rescue have requested a condition for the requiring a scheme for provision of adequate water supplies and fire hydrants. This has been added.

Environmental Health have commented that the submitted ground investigation report has identified the potential for localised contamination to be present at the site due to made ground from current and previous on-site buildings, minor hydrocarbon spillages, and possible ground gas from decomposition of organic materials in made ground or other underlying strata. Additional investigations are therefore required, which can be secured by condition.

The Council's Open Space Team have confirmed that the development is exempt from open space requirements due to having less than 100 full time employees.

Members of the public state that the proposal is a waste of taxpayers money, and queries whether a cost / benefit analysis has been carried out. This is not a material planning consideration.

Members of the public state that the Covenants of Abbey Fields require that the area is used for recreational purposes, rather than commercial purposes, which has not been addressed. However, restrictive covenants are not a material planning consideration, and is a matter for the applicant to address outside of the planning process.

Conclusion

The proposal represents the provision of the replacement of and enhancements to leisure facilities in an appropriate location, to meet an identified local need.

The development has been designed to respond sensitively to the surrounding area, including heritage assets. The development would preserve the character of the conservation area and has an acceptable impact on heritage assets, and would not have an adverse impact on the highway network.

Acceptable parking arrangements are provided and the development would not cause harm to trees or ecology. It is therefore recommended that the application is approved.

CONDITIONS

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

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

12943 - DB3 - B01 - 00 - DR - A - 20001 Rev B (ground floor plan) and 12943 - DB3 - B01 - RF - DR - A - 20003 Rev C (roof plan) submitted on 28th January 2021, and

12943 - DB3 - B01 - XX - DR - A - 90002 Rev H (site plan), 12943 - DB3 - B01 - XX - DR - A - 90004 Rev C (site sections) and, 2021 submitted on 9th March 2021, and

12943 - DB3 - B01 - ZZ - DR - A - 20201 Rev F (elevations 1), 12943 - DB3 - B01 - ZZ - DR - A - 20202 Rev C (elevations 2), , 12943 - DB3 - B01 - ZZ - DR - A - 20301 Rev E (general sections), 12943-DB3-B01-ZZ-VF-A-00002 (photomontage b/a sht 2), 12943-DB3-B01-ZZ-VF-A-00003 (photomontage b/a sht 3), 12943-DB3-B01-ZZ-VF-A-00005 (photomontage b/a sht 5) and 12943-DB3-B01-ZZ-VF-A-00007 (photomontage b/a sht 7) submitted on 29th June, and

12943 - DB3 - B01 - XX - DR - A - 90007 Rev A (substation details) submitted on 22nd July 2021,

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

3 No development shall take place until:
a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

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

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

traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

5 The development hereby permitted (including demolition) shall not commence until updated bat survey/s of the site, in accordance with BCT Bat Surveys for Professional Ecologists- Good Practice Guidelines, has been carried out and a detailed mitigation plan, including a schedule of works, timings, and measures to minimise light spillage from the building onto the watercourse, has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

6 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expects to see pollution and noise control measures during the development, protective tree fencing, and details concerning appropriate working practices and safeguards for bats, otters, water voles, nesting birds, hedgehogs, reptiles and amphibians that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

7 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust),

evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

8 No development shall take place until: -

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

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

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

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

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

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

3. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding

contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

9 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

10 No part of the development hereby permitted shall be commenced until a scheme for the provision of bat boxes and hedgehog houses within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **Reason:** To ensure a net biodiversity gain in accordance with the requirements of the NPPF and Policy NE2 of the Warwick District Council Local Plan 2011 - 2029.

11 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be

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

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

13 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To 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.

14 A travel plan must submitted to and approved in writing by the LPA within 12 months of first use of the hereby approved development to set out how the operator will encourage low emission/sustainable travel to the site by customers and staff. The approved Travel Plan shall be implemented and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

15 The hereby approved Combined Heat and Power Plant must be installed and maintained to meet the emission limits set out in the Council's Air Quality SPD and the applicant's air quality report. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

16 The development shall be carried out in accordance with the submitted flood risk assessment (reference7380-P2-FRA1, revision P2, dated 13/04/21) and the following mitigation measures it details:
1. In accordance with section 6 of the submitted amended Flood Risk Assessment finished floor levels to be set at 75.15m above ordnance datum.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. **Reason:** To reduce the risk of flooding to the proposed development and future occupants in accordance with the requirements of Policy FW1 of the Warwick District Local Plan 2011 - 2029.

17 Within three months of the first occupation of the development, a report shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the energy efficiency measures detailed within the 'low-carbon strategy' have been implemented. These measures shall be retained as per the approved details or replaced with a betterment in energy efficiency terms. **Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.

18 The Construction Management Plan required by condition 4 above (including all demolition and all preparatory work), must incorporate the tree protection measures referred to in the Arboricultural Method Statement and appended plans from Wharton Natural Infrastructure Consultants (reference 210324 0884 AMS V1d and issued on 9th June 2021). Throughout the development hereby approved (including all demolition and preparatory work) those tree protection measures shall be implemented in strict accordance with the approved details. **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.

19 No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

20 The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority. **Reason:** In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

Planning Committee: 14 September 2021 **Item Number:** 6

Application No: W 21 / 0610

Registration Date: 04/03/21
Town/Parish Council: Leamington Spa **Expiry Date:** 29/04/21
Case Officer: Rebecca Compton
01926 456544 rebecca.compton@warwickdc.gov.uk

1 Manor Farm Close, Leamington Spa, CV32 7FA
Application for the erection of a 4 bed House in Multiple Occupation (HMO) (use class C4), amendment to application W/16/1830. FOR Dr. Singh

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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.

RECOMMENDATION

Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the erection of a 4 bed House in Multiple Occupation (HMO) (use class C4). This is an amendment to planning permission no. W/16/1830 which was for a development of C3 dwellings, including this property.

THE SITE AND ITS LOCATION

The application relates to an existing dwelling that has been recently constructed as part of a small development of similar properties.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- H6 - Houses in Multiple Occupation and Student Accommodation
- TR3 - Parking
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS4 - Housing Character Outside the Conservation Areas

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object on the following grounds:

- Lack of off-road parking provision
- Would result in the sandwiching of a non HMO between 2 HMO's
- Lack of cycle parking

Councillor Kohler: Objects due to lack of parking and non-compliance with Local Plan policy H6 as the proposal together with application at 3 Manor Farm Close would sandwich a non HMO between 2 HMOs.

WDC Private Sector Housing: No objection.

Public response: 46 letters of objection have been received on the following grounds:

- Impact on neighbouring amenity
- Would be out of keeping with the area
- Would lead to parking issues
- Would increase levels of traffic
- Non-compliance with Local Plan policy H6

Assessment

Principle of Development

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

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

a). the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
b). the application site is within 400 metres walking distance of a bus stop;
c). the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
d). the proposal does not lead to a continuous frontage of 3 or more HMOs; and
e). adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Assessment:

a). Within a 100 metre radius there is 1 existing HMO out of 116 residential units. The existing concentration level is at 0.9%. The addition of one further HMO would increase the concentration of HMOs to 1.7% which is below the 10% limit of HMOs within a 100 metre radius.

b). The nearest bus stop is located on Lime Avenue which is within 400 metres walking distance of the property.
c). The proposal does not sandwich a non-HMO between 2 HMOs.
d). It does not lead to a continuous frontage of HMOs.
e). The property benefits from an internal bin store at lower ground floor which is to be retained as part of the proposal. The containers would therefore be stored in an area not visible by the general public and the bins would be moved outside on collection day.

The development meets the requirements of Local Plan policy H6 and is therefore considered acceptable.

It is noted that a number of concerns have been raised regarding a similar proposal for a proposed change of use to a HMO at no.3 Manor Farm Close that was submitted at the same time as the current application. Objectors noted that if both applications were to be approved this would result in a non HMO (no.2 Manor Farm Close) being sandwiched between two HMOs which is contrary to Local Plan policy H6. Officers shared these concerns and subsequently planning application reference W/21/0611 which proposed a change of use to a HMO at no.3 Manor Farm Close has been withdrawn.

Impact on the Street Scene

The development does not include any external alterations and so would not have any impact on the character of the street scene.

The proposal is therefore considered to be in accordance with Local Plan Policy BE1.

Impact on neighbouring properties

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

The proposed change of use includes no external alterations. The proposal is therefore unlikely to have an impact on neighbouring residential amenity which would warrant reason for refusal of the application.

The proposed HMO would provide adequate living conditions for the future occupiers, all rooms benefit from outlook and light and there is adequate private amenity space.

46 public objections have been received which focus mainly on the parking provision and the impact of the HMO on the amenity of neighbouring properties and the surrounding area. From an amenity perspective there is currently no known issue of any anti-social behaviour in the area and given the low concentration of HMOs in the locality it is not considered that the proposal is likely to introduce any such behaviour to an extent to which objection could be raised.

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

Parking & Highway Safety

The existing parking requirement for the 4 bedroom house is 3 spaces and the requirement for the proposed 4 bed HMO would be 2 spaces, according to the Council's adopted Parking Standards SPD. The proposed change of use would therefore not lead to an increase in the requirement for parking compared to the existing lawful use as a 4 bedroomed dwelling. Whilst the local concern regarding parking has been noted and understood, the proposed change of use would not lead to an increase in the requirement for off street parking.

The application site benefits from a rear garden leading onto a passageway to the rear and side of the garden area, cycle storage can therefore be achieved in the rear garden of the property.

The proposal would therefore be in accordance with Policy TR3 of the Local Plan.

Other Matters

Private Sector Housing have raised no concerns from a space and facilities perspective and are satisfied the development complies with the Council's standards. They have noted that the property would require fire precautions to LACORS standards. This will be added as an informative note.

Conclusion

The proposed change of use is considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area. There would be no increased demand for parking as a result of the change of use. The proposed change of use is therefore recommended for approval.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved proposed floor plans, and specification contained therein, submitted on 04th March 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.

Planning Committee: 14 September 2021 **Item Number: 7**

Application No: W 21 / 0965

Registration Date: 14/04/21
Town/Parish Council: Leamington Spa **Expiry Date:** 09/06/21
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Land East of Turpin Court, Leamington Spa, CV31 3JU
Variation of condition 2 (plan numbers) of permission W/20/0158 (erection of 6 dwellings), to allow for design changes to plots 3, 4, 5 and 6 to provide single terrace of 4 properties; alterations to roofs of properties. FOR Warwick District Council

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This application is being presented to Planning Committee because Warwick District Council is the applicant.

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 seeks a variation of condition 2 (plan numbers) of permission W/20/0158 (erection of 6 dwellings). This would allow for changes to the plan numbers for the following design alterations:

- changes to plots 3 - 6 to provide single terrace of 4 properties (rather than semi-detached properties);
- first floor to be extended to plots 3 - 6 inclusive to provide plant storage area;
- pitch roofs to serve plots 3 - 6.

The dwellings would continue to be owned and managed by Warwick District Council as affordable housing.

THE SITE AND ITS LOCATION

The application site relates to an area of land to the rear of properties fronting onto Kennan Avenue and Edinburgh Crescent. The site currently consists of a large area of hardstanding which is accessed from Turpin Court, a small cul-de-sac and was formally used as a parking area and garage court, which have been removed from the site in accordance with a planning permission granted in 2015.

There are trees which are not within the ownership of the applicant nearby to the site boundaries.

PLANNING HISTORY

W/15/0124 - planning permission granted for the demolition of 42 garages.

W/20/0158 - planning permission granted for the erection of 6no. semi-detached dwellings.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- H1 - Directing New Housing
- H2 - Affordable Housing
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- TR1 - Access and Choice
- TR3 - Parking
- FW3 - Water Conservation
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS4 - Housing Character Outside the Conservation Areas
- RLS5 - Royal Leamington Spa Housing Mix and Tenure

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

Environmental Protection: No objection, subject to conditions.

Tree Officer: No objection to amendments.

WCC Highways: No objection.

Public Responses:

1 Objection:
- loss of privacy, noise, light and disturbance of construction works
- air pollution from construction works
- loss of habitat for trees to grow
- increase in traffic
- detrimental impact on quality of life from construction works

1 Neutral: No objection to new housing, however trees should be retained.

Assessment

As the scheme remains largely the same as extant permission W/20/0158 and only seeks the above amendments, it is only these elements which are considered below. The number of bedrooms and parking provision remains the same as previously approved, along with drainage and ecological considerations, therefore these matters are not considered below.

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

- Impact on the Character and Appearance of the Area
- Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwellings
- Trees

The impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design and beautiful places which are key aspects of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 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. Finally, 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.

RLSNDP Policy RLS2 states that planning proposals for new housing development will be required to achieve good design. They should function well for all by being *Lifetime Homes* and make a positive contribution to the quality of the built environment in Royal Leamington Spa. Proposals will be assessed against Warwick District Local Plan Policy BE1 and should have regard to any relevant Supplementary Planning Documents, including the Warwick District Council *Residential Design Guide SPD*.

Policy RLS2 states that applicants are encouraged to go beyond prevailing sustainable development standards, particularly with regard to environmental performance of buildings, resource consumption and recycling. Where possible, proposals should aim to achieve Level 4 of the Code for Sustainable Homes and the incorporation of higher environmental standards such as Passivhaus or a similar approach is encouraged. When considering such measures applicants and decision-makers will need to ensure that there is a balance between the need for

innovation and respecting and harmonising with buildings and local quality and character of surrounding development. *Building for Life*, or an equivalent assessment framework, should be used to assess the suitability of proposals.

RLSNDP Policy RS4 states that in residential areas, outside of the Conservation Areas, applicants will be expected to demonstrate how housing development proposals have taken in to account, and responded to, the predominant character (including local building styles and materials) in the street/road/locality within which the proposed development will be situated. Proposals should retain and create new off-street car parking. Innovative and contemporary design that respects and responds in a positive manner to local character will be supported. Proposals should seek to maintain views of higher slopes, skylines and the wider landscape. Proposals that fail to respect the character of an area and result in poor design will not be permitted.

Under the previous application, owing to the fact that the buildings had been designed to minimise the carbon output and lifecycle carbon, thus reducing the overall carbon footprint in comparison to traditional construction, it was considered that these measures addressed the energy efficiency requirements of Policy RLS2. Given that the energy efficiency measures have not changed as a result of the proposed amendments, this policy again is considered to be met.

The proposed amendments would result in a row of four terraced dwellings, in comparison to two pairs of semi-detached dwellings (with the bungalows remaining at the front of the site). Owing to the position and orientation of the housing and its relationship with the street scene, it is unlikely that this change will have a significant impact on the street scene because the site is viewed "side-on". There are limited views of the site within the wider area, thus meaning that this change is unlikely to have a negative impact on the character of the area, particularly given the variety in styles of dwellings nearby.

The changes to the roofs of the properties to provide modest pitch roofs will make the development more in keeping with the surrounding residential development, which benefits from pitched roofs.

The properties would still adopt a relatively contemporary design, and there would be no changes to the bungalows which have the greatest impact on the street scene. Moreover, the dwellings would now appear as two storey dwellings, rather than a 1.5 storey structure with a box dormer, which is more similar to the scale and design of development within the wider area. It should be noted however that the overall ridge height would not be increased in comparison to the previously approved scheme.

The proposed materials can be controlled by condition to ensure a high quality development. The amended scheme is considered to provide an appropriate form of development which would improve the site, which currently adds no value to the street scene. The proposal is considered to respond appropriately to its surroundings, providing a relatively modern development which also respects the existing built form. Therefore, the proposed development is considered to be in accordance with Local Plan Policy BE1 and the relevant RLSNDP policies.

Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwellings

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

A member of the public has objected to the amendments on the basis that there would be loss of privacy, and noise and light disturbance during the construction works.

Impact on neighbouring residential amenity

The overall height of the development would be no greater than that which was previously approved. The proposed amendments would result in the partial extension of the first floor of the dwellings, this is in order to provide a space for plant equipment, as opposed to this being located on the ground floor. This is clearly labelled on the plans as a room for plant equipment and has a sloped ceiling, with the majority of the room having below 1.8m of head room. Given that the plant equipment will be required to heat / power the properties, the restricted head height and fact that there are no windows proposed in this space, it is highly unlikely that this space would ever be used for habitable accommodation. For this reason, there would be no additional overlooking or loss of privacy in comparison to the previously approved scheme. However, a condition will still be added to ensure that no windows can be installed within the north elevation of the roof slope to protect the neighbours' privacy.

A condition for a construction management plan was not deemed necessary for the purposes of the development under the previous application. It would therefore not be reasonable to condition this information for this application, given that the scale of development has not increased to an extent which is likely to have a greater impact on neighbouring amenity, or highway safety.

Living conditions for the future occupiers

There would be no material impact on the living conditions for the future occupiers of the dwellings as a result of the proposed changes. Each property would still be provided with sufficient amenity space which meets the requirements set out within the Residential Design Guide.

For these reasons the proposed development is considered to be in accordance with the NPPF and Local Plan Policy BE3.

Trees

A member of the public has objected to the scheme on the basis of a loss of habitat for trees to grow.

The area of the footprint of the proposed development is the same as that which was previously approved. The proposal would result in a minor change to the location of the dwellings, in that they would be a row of terraces, rather than two pairs of semi-detached dwellings.

The Tree Officer has been consulted and has no objection to the development. Officers have therefore no reason to consider that the proposed amendments would result in a greater impact on trees in comparison to the previously approved scheme.

Other Matters

A member of the public has objected to the proposal on the basis of air pollution from construction works and an increase in traffic. However, it is not considered that the proposed amendments would result in an increase in traffic or increased impact on air quality in comparison to the previously approved development.

All of the conditions attached to the previous application have been carried forwards to the current application.

Conclusion

In comparison to extant permission W/20/0158, the proposed amendments are considered to be acceptable in design terms and would also have an acceptable impact on neighbouring amenity and trees. The proposal is therefore recommended for approval.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from 18th June 2020 (the date of the original permission). **REASON**: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings Q3970 - Mark Up: Site Sections and Elevations Rev B, Proposed Floor Plans (Houses) Rev B, Proposed Block Plan Rev C, Elevations (Proposed) Rev B, Proposed Floor Plans (Bungalows) Rev B, Section (Proposed) Rev B and Landscaping and Ecological Plan Rev A submitted on 24th August 2021, and specification contained therein. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application

documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON**: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **REASON**: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

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

6 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

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

8 The development shall be carried out strictly in accordance with the details contained within the surface water outfall assessment. **REASON:** To ensure that the proposal would provide suitable drainage methods for the site in accordance with Policy FW2 of the Warwick District Local Plan 2011 - 2029.

9 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON**: To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

10 Noise arising from the air source heat pumps installed at the site, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON**: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

11 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON**: To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

12 Prior to the occupation of the development hereby permitted, the first floor side facing windows in the east and west elevations of the dwellings 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.

13 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.

14 Any hard landscaping and ecological enhancements 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. The ecological enhancements (bird boxes) shall be retained in perpetuity, or replaced and retained with a bird box of a similar quality. **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.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or

openings shall be formed in the north facing roofslope of the houses (not bungalows) hereby approved. **Reason:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 14 September 2021 **Item Number: 8**

Application No: W 21 / 1023

Registration Date: 22/07/21
Town/Parish Council: Leamington Spa **Expiry Date:** 16/09/21
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Victoria Park, Archery Road, Leamington Spa, CV31 3PT
Proposed new 5.8 metre tree house within playground. FOR Warwick District Council

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This application is being presented to Committee because Warwick District Council is the applicant.

RECOMMENDATION

It is recommended that Planning Committee GRANT planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the proposed erection of a new 5.8 metre tree house within an existing children's playground area contained within Victoria Park.

SITE & LOCATION

The application site relates to an existing children's play area within Victoria Park, a Grade II Registered Historic Park situated within the Royal Leamington Spa Conservation Area. The application site is within Flood Zone 3.

PLANNING HISTORY

There are various previous applications on this site, however, none are considered directly relevant to the assessment of this application.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HS2 - Protecting Open Space, Sport and Recreation Facilities
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology

- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area
- RLS8 - Protecting Local Green Space
- RLS11 - Leisure, Sport and Recreation Facilities
- RLS15 - Canal and Riverside Development

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Supports application as an appropriate and welcome enhancement of the play facilities. Disappointed to see no mention of relevant Neighbourhood Plan policies, which the development is considered to be in accordance with.

Conservation Officer: No objection, recommend that consideration be given to coating the stainless steel slide in black, or an alternative dark colour, in order to prevent an industrial look.

CAF: generally supportive of the scheme and appreciated that the colour scheme had been toned down from the initial proposals. A stainless steel slide was considered to be an incongruous feature that would not enhance the conservation area. It was felt that in the sunshine this would be appear extremely shiny from some distance away, giving it an industrial appearance. It was suggested that a slide that was painted green, or similar, would fit far more comfortably. An existing stainless steel slide in Abbey Fields, Kenilworth, was given as an example of where this has had a negative impact on its sensitive context.

Tree Officer: No objection.

Historic England: No objection.

WCC Ecology: No objection, subject to advisory notes.

The Gardens Trust: No objection.

WCC LLFA: No objection.

WCC Archaeology: No objection.

Public Responses:

1 Support: wonderful and much enjoyed addition to the park, if only if it were even bigger and better.

1 Neutral: supports enhanced play facilities, but considers that the treehouse should be enlarged as much as possible to provide as much opportunity for play and enjoyment for local population as possible.

Friends of Victoria Park: supports application, the Tree House that is the specific focus of this planning application is the flagship structure offering the adventure, challenge, and social interaction that a new play area for a destination park requires. The sole disappointment is that the original design for the Tree House - taller and more colourful and with greater child-appeal - has been modified, apparently to meet stringent "heritage" criteria.

Friends of Victoria Park propose that the Planning Committee should not merely approve this application but add a condition of use that the design of the Tree House should be optimised for child play appeal subject to a height constraint of 7.5 metres. thereby helping to ensure that Victoria Park remains a uniquely exciting and much-loved Leamington amenity for many years to come.

Assessment

The matters which are considered to be relevant to the assessment of this application are as follows:

- Principle of the Development
- Impact on Heritage Assets / Design
- Archaeological Impact
- Impact on Neighbouring Amenity
- Ecological Impact
- Impact on Trees
- Flood Risk / Drainage
- Other Matters

Principle of development

Local Plan policy HS2 states that development on, or change of use of open spaces and sport and recreation facilities will not be permitted unless certain criteria are met. Royal Leamington Spa Neighbourhood Development Plan (RLSNDP) policy RLS11 echoes these requirements. RLSNDP policy RLS8 designates Victoria Park as a local green space and development will not be supported in this location other than in very special circumstances.

The provision of a treehouse within the children's play area (which replaces existing children's play equipment) is not considered to result in a change of use of the park, or development which would prejudice the aims of the aforementioned Local Plan and Neighbourhood Plan policies. It is considered to represent the enhancement of the facilities provided within the park, which would encourage greater use and enjoyment of the play area.

It is also noted that the Town Council supports the proposal as an appropriate development which meets the requirements of the Neighbourhood Plan and a welcome enhancement of the play facilities. Members of the public also welcome the development in principle.

Therefore, the proposed development is considered to be acceptable in principle.

Design and layout / Impact on Heritage Assets

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

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

RLSNDP policy RLS3 states that proposals which directly affect a Conservation Area must assess and address their impact on their heritage significance. Proposals must demonstrate that the proposed building type, style, materials and colours in relation to the character area in which it is located and its distinguishing features; the relationship of the layout with the existing road pattern, plot size, and balance between buildings and garden sizes; building height, scale and rooflines sympathetic to the local setting; how the development interfaces with and respects non-designated heritage assets; retention or enhancement of gardens, trees and where possible planting of new trees; retention, restoration and reinstatement of period details; retention and creation of off street parking; and, use of hard and soft landscaping and suitable boundary treatments.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area.

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Local Plan 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 calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The applicant entered into extensive pre-application discussions with planning officers and the Conservation Officer to ensure that an appropriate design was identified for this sensitive location within a registered park and garden, and conservation area. The scheme submitted represents the recommended scale and design which Officers consider to be sensitive to its surroundings, being of muted colour tones which ensure that the development does not stand out, or appear

incongruous in this setting. Owing to its height, it will still be visible from views across the park, but the overall design of the tree house and its colour palette help to ensure that the development blends in well with its surroundings. Historic England, the Gardens Trust, the Conservation Area Forum (CAF) and the Conservation Officer all have no objection to the proposed development.

The Conservation Officer and CAF recommend that consideration be given to coating the stainless steel slide in black, or an alternative dark colour, in order to prevent an industrial look. Officers have queried this with the applicant who has informed that this is likely to be an issue, as the slide has to comply with safety requirements; in stainless steel the manufacturer can achieve the necessary curve while keeping within the safety standard and the footprint. If the slide was in plastic it would involve the tree house being taller and taking up a larger footprint, which Officers consider would have a more harmful impact on the setting of the registered park and garden. This is because the steel slide is made in one/two sections and the diameter is smaller, whereas with a plastic slide it comes in multiple bolt on sections and the diameter needs to be bigger to achieve the necessary angles and curves to conform to the safety standard.

Also, painting the steel slide would potentially lead to maintenance issues, and the slide looking unsightly if not frequently repainted, as it is likely to experience heavy use from children playing.

It should be noted that the slide would actually face away from the main area of the registered park and garden, therefore important views are protected. On balance, given the potential maintenance issues with painting the slide, and design implications of a plastic slide, it is considered that a steel slide is acceptable.

Members of the public who have commented on the application have requested that the tree house should be larger and have questioned the perceived detrimental impact on heritage assets which a larger development would have. As set out above, the design has been negotiated carefully with the Conservation Officer. This is a highly sensitive site located in a registered park and garden. Having a larger and/or more brightly coloured structure as requested by members of the public would be incongruous in comparison to the low level and simple play equipment which is currently positioned within the park. This would impact on important views within the park.

Friends of Victoria Park request a condition to require that the design of the tree house is optimised for child play, with a height constraint of 7.5 metres. However, a condition of this nature would not be appropriate as it would conflict with the plans which are proposed for approval. It is also not considered to meet the tests of being reasonable or necessary for the purposes of the development, as the treehouse as proposed is considered to be compliant with the Local Plan, NPPF and Neighbourhood Plan.

The proposed development is considered to preserve the character of the Conservation Area and have an acceptable impact on the registered park and garden. The proposal is therefore considered to be in accordance with the aforementioned policies.

Achaeological Impact

WCC Archaeology have confirmed that they have no concerns regarding the impact of the development on items of archaeological importance. The proposal is therefore considered to be in accordance with Local Plan policy HE4.

Impact of the proposal on the living conditions of neighbouring occupiers

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

Owing to the fact that the nearest neighbours to the application site area are a considerable distance away, and that this area of the park is already used as a children's play area, it is considered that the development would have an acceptable impact on neighbouring residential amenity.

Ecological Impact

WCC Ecology have commented on the application and note that the site is mostly devoid of vegetation as existing. They suggest that any vegetation which may be impacted by the works should be checked for nesting birds immediately prior to works, and that a nesting bird note should be added to any approval. They also suggest that existing trees should be protected by a suitable Root Protection Area. Finally, they recommend that amphibian, reptile and hedgehog notes are added.

The notes relating to protected species have been added. The proposal is therefore considered to be in accordance with Local Plan policies NE2 and NE3.

Impact on Trees

There are no proposals to remove or directly impact on any of the existing trees within the park. The Tree Officer has been consulted and states that the proposed new piece of play equipment will be replace an existing well-used provision and so the impact upon the soil containing the roots of the surrounding trees (from installation and subsequent use) will be marginal. He raises no objection to the development on this basis.

As trees will not be materially affected as a result of the development, it is not considered necessary to attach a condition for further information.

Flood Risk and Drainage

The application site lies within Flood Zone 3. However, the development would not result in a change of use of the site, and would replace existing play equipment. Consultation with the Environment Agency is not required for development of this nature. The Local Lead Flood Authority were consulted and have no objection or requirements for any forthcoming permission.

The proposal is therefore considered to be in accordance with Local Plan policies FW1 and FW2, as it would not result in increased risk of flooding.

Conclusion

The proposal represents the enhancement of existing childrens play facilities which would lead to health and wellbeing benefits, whilst providing an appropriately designed structure which responds to the sensitive nature of the site. There are no concerns regarding the impact on existing trees or neighbouring amenity. The application is therefore recommended for approval.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 22nd July 2021 and approved drawings Top View KRS8200228 and Side View KRS8200228 submitted on 22nd July 2021, and details contained within the Design and Access Statement submitted on 24th May 2021 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 14 September 2021 **Item Number:** 9

Application No: W 21 / 1034 LB

Registration Date: 29/06/21
Town/Parish Council: Leamington Spa **Expiry Date:** 24/08/21
Case Officer: Zoe Herbert
01926 456533 zoe.herbert@warwickdc.gov.uk

22 Augusta Place, Leamington Spa, CV32 5EL
Repairs to main entrance porch roof FOR Mr Bill Gifford

This application is being presented to Committee because the applicant is a District Councillor.

RECOMMENDATION

It is recommended that Planning Committee GRANT listed building consent, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The application seeks listed building consent for repairs to the main entrance porch of the building. These works comprise:

- Replace existing coping stones
- Replace existing render to the inside face of parapet wall
- Install new rainwater outlet
- Prepare and repaint internal and external walls of porch
- Replace existing lead roof covering

THE SITE AND ITS LOCATION

The application site relates to a Grade II listed detached house built circa 1830-40. The site is located on the west side of Augusta Place at the corner of Portland Place East within the Leamington Spa Conservation Area. The building comprises two storeys and is constructed of pinkish-brown brick with painted stucco, a Welsh slate roof and a cast iron veranda to the south elevation. The entrance porch subject to this application is located on the building's east elevation fronting onto Augusta Place.

PLANNING HISTORY

There are no applications on this site that are relevant to the assessment of this application.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- HE1 - Protection of Statutory Heritage Assets

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection

ASSESSMENT

Impact on the Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Policy HE1 of the Warwick District Local Plan 2011-2029 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 that harm or loss.

The internal and external walls of the entrance porch to 22 Augusta Place have evidently been severely affected by water ingress. The supporting Heritage Statement accompanying the application suggests that water ingress is being caused by the poor quality of the coping stones and detailing of the existing lead covered roof. The scheme, as amended, proposes to address this issue primarily by replacing the existing concrete coping stones and reconstructing the roof to the porch to improve the detailing and enable the proper discharge of rainwater.

The proposed replacement coping stones, also of smooth concrete, will incorporate anti-capillary grooves and be fitted with a damp proof course. Once the existing lead roof covering has been removed, the roof boarding will be re-installed to allow a sufficient fall to the gutter and a lead roof covering will be re-installed. To further facilitate the removal of rainwater from the porch roof, the existing rainwater outlet will be increased in diameter.

The scheme originally proposed to re-render the internal face of the parapet wall in a cement render and repaint the internal and external walls with a modern masonry paint. Following concerns that this would further exacerbate issues of damp and water ingress, the scheme was amended to incorporate lime render to

the parapet wall and the use of a mineral based, vapour permeable paint. The walls are to be painted in colours to match the existing.

Aside from the new coping stones to the porch and the widening of the rainwater outlet within the side parapet wall, there will be no impact on the external appearance of the building as a result of the proposed works.

Overall, the work is considered necessary to secure the longevity and appearance of the listed building, as well as providing a habitable environment for the occupants. This application would preserve the special architectural and historic interest of the listed building. The application is therefore recommended for approval on the basis that it complies with Local Plan Policy HE1, and the relevant sections of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

CONDITIONS

1 The works hereby permitted shall begin not later than three years from the date of this consent. **Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2153/01A, and specification contained therein, submitted on 10th August 2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029.

Planning Committee: 14 September 2021 **Item Number: 10**

Application No: TPO 566

Registration Date:
Expiry Date:

Case Officer: Gary Fisher

2 Fernhill Drive, Leamington Spa CV32 4JX
Confirmation of Provisional Tree Preservation Order relating to a Beech Tree and an Oak Tree

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This Tree Preservation Order (TPO) is being presented to Committee because objections have been received to it being confirmed

RECOMMENDATION

Planning Committee is recommended to authorise officers to confirm TPO 566.

BACKGROUND

The Council was made aware on 6 March 2021 of the potential felling of a mature oak tree to the front of the property. Following an unannounced site visit on 27 March 2021 an Order was made to cover both the oak and an adjacent beech tree.

ASSESSMENT

The oak tree is a very large and mature specimen of good overall form and structure, the crown has developed on two primary limbs from a strong fork in the main stem at around 1.5m above ground level and the crown spread is more-or-less uniform at around 5m, encroaching slightly over the property.

The beech tree is also large and mature, the patterning in the bark suggests that the stem has been grafted onto a rootstock at around 1.5m. The crown has developed a typical branching structure for an open grown tree.

The scale and mass of the trees means they provide a very significant public amenity at the north end of Fernhill Drive, from where they are clearly visible, as well as to neighbouring properties in the wider surrounding community from over the rooftops.

Both trees appear to be in good health with a retention span of up to 100 years.

The Council's Arboricultural Consultant assessed the trees for their TPO quality using the nationally recognised TEMPO method of assessment. The beech tree scored 16 and the oak tree 18; the TEMPO guidance is that where the score is 16 or more the making of a TPO is merited (if there are no other mitigating circumstances).

In summary the Council considered it expedient to make a provisional TPO under section 198 of the Town and Country Planning Act.

OBJECTIONS

The Council has received 3 objections to the making of the Order. In summary the well-considered objections are:

1. public safety concerns and the structural integrity of the oak tree
2. the ownership of the tree (it straddles the garden boundary with the highway)
3. structural damage to the property, and to the neighbours' property
4. the oak tree's proximity to the property, and the trees' canopies over the road and the property
5. the oak tree was retained when the property was developed as if by accident
6. limited public visibility of the trees
7. the trees' maturity

As well as the objections the Council has received four letters of support for the serving of the Order.

KEY ISSUES

The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the trees are of sufficient amenity importance to justify a TPO, and whether the public benefit afforded by the trees outweighs any private inconvenience experienced by individuals because of the tree.

It is considered that the trees are of significant amenity value within the surrounding area, and in view of the overall imbalance in the carbon economy we should be encouraging pruning to relieve an inconvenience rather than wholesale tree removal.

In response to the objections raised:

1. It is the landowner's responsibility to maintain the tree. The objector has not provided evidence to support the suggestion that the trees are hazardous, such as an arboricultural report.
2. The WCC Highways Team have declared that they are not responsible for the tree.
3. The objector has not provided evidence to support the allegation that the trees are responsible for structural damage to the property, and to the neighbours' property. The two trees are considerably older than the property and they have coexisted during notable drought years including 1976, 1990, 1995, 2003, 2006, 2011 and most recently 2018.
4. In view of the overall imbalance in the carbon economy we should be encouraging pruning to relieve an inconvenience rather than wholesale tree removal; the trees' canopies could be sensitively managed by pruning to provide relief from the oversailing canopy.

5. The thinking behind the retention of the oak tree has been lost over time (although amenity and public interest were likely to be the principal reasons), but the argument that the tree should not have been retained when the property was developed has been overtaken by events – the tree has been a feature of the local landscape for many years.
6. The argument over the visibility of the tree is not persuasive in Officer's view.
7. In general, a tree's maturity is taken to be an argument in favour of its retention as the environmental benefits that a mature tree provides are significantly greater than those provided by a young tree.

The letters of support were more generic and supported the general principle of tree retention, the impact of the construction of HS2 upon the public amenity and environmental quality within the District was mentioned.

SUMMARY/CONCLUSION

It is not considered that the issues raised in objection to the TPO are sufficient to outweigh the significant amenity contribution which the beech tree and the oak tree make to the surrounding area and therefore it is expedient to confirm this TPO.