Planning Committee

Tuesday 6 December 2016

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 6 December 2016 at 6.00pm.

Councillor Cooke (Chairman)
Councillor Ashford (Vice Chairman)

Councillor Boad	Councillor Morris
Councillor Mrs Bunker	Councillor Naimo
Councillor Day	Councillor Mrs Stevens
Councillor Heath	Councillor Weed
Councillor Mrs Hill	

Emergency Procedure

At the commencement of the meeting the emergency procedure for the Town Hall will be displayed on screen for information.

Agenda
Part A – General

1. **Apologies and Substitutes**

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

2. **Declarations of Interest**

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

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

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

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

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3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 8 November 2016.

(Item 4/Page 1)

Part B – Planning Applications

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

5. **W/15/1704 – Haseley Manor, Haseley Business Centre, Hatton.** **(Pages 1 to 17)**
****This is a Major Application****

6. **W/16/0239 – Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4414/Whitley Roundabout.** **(Pages 1 to 4)**
****This is a Major Application****

7. **W/16/1139 – Talisman Square, Warwick Road, Kenilworth** **(Pages 1 to 14)**
****This is a Major Application****

8. **W/16/1204 – 79 Bedford Street, Royal Leamington Spa** **(Pages 1 to 15)**
****This is a Major Application****

9. **W/16/1341 – Land at Bosworth Close, Baginton** **(Pages 1 to 15)**
****This is a Major Application****

10. **W/16/1740 – Victoria Lodge Hotel, 180 Warwick Road, Kenilworth** **(Pages 1 to 7)**

11. **W/16/1744 – Land Adjacent to19 Pickard Street, Warwick** **(Pages 1 to 10)**

Part C – Other matters

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

Please note:

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

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

(c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being p4t before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:00am to 7:00pm, Friday

8:00am to 6:00pm and Saturday 9:00am to 1pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.

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

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

Published Monday 28 November 2016

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.
Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk

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

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

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The agenda is available in large print on request, prior to the meeting, by telephoning (01926) 456114

Planning Committee

Minutes of the meeting held on Tuesday 8 November 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Committee Services Officer – Miss Cox; Legal Advisor – Miss Amphlett; Team Leader, Development Control – Mr Sahota; and Planning Assistant – Mr Lunn.

88. **Apologies and Substitutes**

(a) There were no apologies; and

(b) Councillor Mrs Falp substituted for Councillor Heath.

89. **Declarations of Interest**

Minute Number 92 – W/16/1538 – 50 Newnham Road, Lillington, Royal Leamington Spa

Councillor Boad declared an interest because the application site was in his Ward. He also informed the Committee that residents had contacted him for advice regarding the planning issues relating to their objections, but he had not personally expressed an opinion on the application.

Minute Number 94 – W/16/1558 – Tesco Express, Crown Way, Lillington, Royal Leamington Spa

Councillor Boad declared an interest because the application site was in his Ward and he had made an objection prior to the change of the application. However, he wanted to listen to the views expressed at the meeting before voting on the application and was therefore not predetermined.

Minute Number 95 – W/16/1403 – 12 Antony Gardner Crescent, Whitnash

Councillor Mrs Falp declared an interest because she was present at Whitnash Town Council's meeting when this application was discussed, but she did not vote.

Minute Number 96 – W/16/1483 – 11 Balmoral Way, Cubbington

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

90. **Site Visits**

There were no site visits undertaken prior to the meeting, as agreed with the Chairman and following consultation with the Committee members.

91. **Minutes**

The minutes of the meeting held on 11 October 2016 were taken as read and signed by the Chairman as a correct record.

92. **W/16/1538 – 50 Newnham Road, Lillington, Royal Leamington Spa**

The Committee considered an application from Miss O'Sullivan for the demolition of the existing garage and erection of three dwellings and associated car parking.

The application was presented to Committee because of the number of objections received from local residents. An objection had also been received from Royal Leamington Spa Town Council.

The officer was of the opinion that the proposals were in accordance with the requirements of Policies DP1, DP2, DP3, DP6, DP8, DP13, UAP1 and SC13 of the Warwick District Local Plan 1996-2011, Policy H1 of the emerging Warwick District Local Plan 2011-2029 and the provisions of the National Planning Policy Framework. It was considered that they would meet the requirements of adopted planning policy for development of this nature, that the new dwellings would appear in keeping and scale with their surroundings, that the proposals would safeguard the amenities currently enjoyed by neighbouring properties and that they would not give rise to any undue highway safety or ecological concerns.

The following people addressed the committee:

- Councillor John Knight, representing Royal Leamington Spa Town Council, in objection to the application; and
- Dr Herbison-Evans and Ms Koivusalo, in objection to the application.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that the application should be refused, contrary to the recommendation in the report.

The Committee therefore

> **Resolved** that W/16/1538 be **refused** because it constitutes overdevelopment, was unneighbourly, harmful to highway safety and was out of keeping with the street scene.

93. **W/16/1547 – 52 Queen Street, Cubbington**

The Committee considered an application from Mr Soden for a proposed change of use from a shop to a two bedroom dwelling.

The application was presented to Committee because Cubbington Parish Council and the Ward Councillor supported the application and officers were recommending it for refusal.

The officer was of the opinion that the proposed change of use would not adversely affect the character and appearance of the area and would not

have a detrimental impact on local residents. However, when balanced against the potential loss of retail use, it was considered that there was no justification for the change of use. The development would be contrary to the adopted Local Plan policy UAP4 and emerging Local Plan policy TC17 because it would not replace the existing unit with a community service or facility. The evidence presented by the agent in support of the change of use would not outweigh the harm caused by the loss of the retail unit to this local shopping centre, which would have a long term impact on the area.

An addendum circulated at the meeting advised that the Environmental Sustainability Section of Health and Community Protection had no objection to the application.

Mr Baldwin addressed the Committee in support of the application.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Mrs Stevens that the application should be granted, on the grounds that there was no demand for a shop in this location, there were neighbouring shops to support the village community and the building would provide a residential windfall site.

It was then proposed by Councillor Cooke, seconded by Councillor Morris that the application should be refused and duly

Resolved that W/16/1547 be **refused** because adopted Local Plan policy UAP4 emerging Local Plan TC17 seeks to protect local shopping centres and changes of use from Use Class A to all other uses will not be permitted unless the proposal is for a community service or facility which can be demonstrated to meet a particular local need and which can be satisfactorily controlled by a planning condition.

The proposal seeks to change the existing retail unit (use class A1) to a residential dwelling (use class C3). A dwelling house is not considered to represent a community service or facility and therefore the development is not considered to be acceptable in principle.

The evidence presented by the agent in support of the change of use would not outweigh the harm caused by the loss of the retail unit to this local shopping centre which would have a long term impact on the area.

94. **W/16/1558 – Tesco Express, Crown Way, Lillington, Royal Leamington Spa**

The Committee considered an application from Tesco Stores Limited for the variation of condition 13 of planning permission number W/09/0351 to

allow the delivery of goods to, and the removal of refuse from, the retail unit between 7.30am and 8.00am, and 9.30am and 7.00pm Mondays to Fridays; 8.00am and 7.00pm on Saturdays; and 9.00am and 6.00pm on Sundays and Bank Holidays.

The application was presented to Committee because of the number of objections received, including an objection from Royal Leamington Spa Town Council.

The officer was of the opinion that the proposal accorded with the requirements of Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011 and the provisions of the National Planning Policy Framework. It was contended that, subject to the imposition of a condition requiring the implementation of the specified noise minimisation measures, extending the delivery and refuse collection times as proposed would not harm the amenities of surrounding residents.

The Planning Officer advised the Committee that Warwickshire County Council Highways had not formally responded to the application, but had commented verbally after the addendum was published that it had a 'slight concern' regarding deliveries undertaken at peak times. With respect to this, the applicant had stated that there would be a maximum of five deliveries in a day; one HGV and four smaller vehicles. There was a dedicated delivery bay. On balance, the Planning Officer felt that this was not likely to give rise to any highway safety concerns and did not affect the recommendation in the report to agree the revised condition.

The following people addressed the committee:

- Councillor John Knight, representing Royal Leamington Spa Town Council, in objection to the application; and
- Miss Barrett, in support of the application.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the condition be varied as set out in the report.

The Committee therefore

Resolved that W/16/1558 for the variation of condition 13 of planning permission number W09/0351 be **agreed** in accordance with the recommendations in the report, subject to a note to the applicant to operate within the scheduled delivery times, and the following conditions:

(1) the approved plans are drawing numbers 3603/(P)101/App(iii); /(P)201/aPP(iv); /(P)501/App(vi) and GC/31384.001/C and the details contained within the application submitted on 20th April 2009 as amended by the applicants agents letters dated 1st July 2009 and 19th August 2009. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with

Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(2) the existing boundary treatment shall be retained at all times. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) no materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(4) the screen fences enclosing the service bay shall be retained at their current height at all times. **Reason:** To protect the amenity of adjacent residents in accordance with Policies DP1, DP2 and DP9 of the Warwick District Local Plan 1996-2011;

(5) the first floor of the building shall be used solely for residential purposes. **Reason:** To ensure a satisfactory form of development and to ensure the total floor area of the building in retail use does not exceed that shown on the approved plans in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(6) no external lighting or sound amplification or tannoy system shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to, and approved in writing by, the Local Planning Authority. **Reason:** To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(7) all car, disabled car, resident and cycle parking spaces, and the associated footpaths and pedestrian routes, shall be kept available for their specified purpose at all times. **Reason:** To ensure that satisfactory parking/pedestrian provision is retained in conjunction with the development to meet the requirements of

Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011;

(8) the delivery of goods to the retail unit on this site and the removal of refuse from it shall only occur between the hours of 0730 to 0800 hours and 0930 to 1900 hours Monday to Friday, 0800 to 1900 hours on Saturdays and 0900 to 1800 hours on Sundays and Bank Holidays. All refrigeration plant on stationary delivery vehicles within the application site shall be switched off at all times. **Reason:** To protect the amenity of the adjacent residents in accordance with Policies DP1, DP2 and DP9 of the Warwick District Local Plan 1996-2011;

9 the noise reduction measures set out in the Environmental Noise Assessment by Sharps Redmore and dated 2nd March 2016 shall be implemented in full and retained in place at all times that the extended delivery and refuse collection hours are in operation. **Reason:** To protect the amenity of the adjacent residents in accordance with Policies DP1, DP2 and DP9 of the Warwick District Plan 1996 – 2011;

10 the retail unit on this site shall only be open to the public between the hours of 0600 and 2300 hours. **Reason:** To protect the amenity of the adjacent residents in accordance with Policies DP1, DP2 and DP9 of the Warwick District Plan 1996 – 2011; and

11 the service vehicle turning area shall be retained at all times solely for the use of delivery and refuse vehicles. **Reason:** In the interests of highway safety in accordance with the requirements of Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

95. **W/16/1403 – 12 Antony Gardner Crescent, Whitnash**

The Committee considered an application from Ms Brereton for the erection of a two storey side extension incorporating the existing garage.

The application was presented to Committee because Whitnash Town Council supported the application and officers were recommending it for refusal.

The officer was of the opinion that the proposal failed to accord with the Council's minimum distance separation standards and would therefore result in material harm to the living conditions of the occupiers of the neighbouring property. Accordingly, the proposal failed to comply with Policy DP2 of the Local Plan.

Following consideration of the report and presentation, it was proposed by Councillor Ashford, seconded by Councillor Mrs Hill that the application should be refused and duly

Resolved that W/16/1403 be **refused** because Policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposed development fails to accord with the Council's minimum distance separation standards as set out in the adopted Distance Separation Supplementary Planning Guidance. In the opinion of the Local Planning Authority the proposed development would therefore result in material harm to the living conditions of the occupiers of neighbouring properties by reason of harm to outlook and the overbearing impact on the enjoyment of the dwellings and rear gardens.

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

96. **W/16/1483 – 11 Balmoral Way, Cubbington**

The Committee considered an application from Mrs Meadows for the erection of a single storey front, side and rear extension.

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

Planning Committee was recommended to grant planning permission, subject to the conditions in the report.

Following consideration of the report and presentation, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

Resolved that W/16/1483 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

approved drawing No. 16038 002, 16038 005, 16038 004, 16038 003, 16038 001 and specification contained therein, submitted on 20th June 2016. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

(3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

97. **W/02/1472 – Portobello Works, Emscote Road, Warwick**

The Committee considered an application from Gallagher and Pettifer Estates for the variation of a Section 106 agreement that related to the planning application for a residential and office development; new road bridge across the River Avon together with appropriate supporting infrastructure.

The application was presented to Committee because it was a variation to a Section 106 agreement.

The officer was of the opinion that the proposed changes to the affordable housing provisions of the Section 106 Agreement were in accordance with the Council's policies, and it was therefore recommended that the Section 106 Agreement was amended as requested.

Following consideration of the report and presentation, it was proposed by Councillor Cooke and seconded by Councillor Ashford that the application be deferred to enable the provision of further information from officers.

The Committee therefore

Resolved that W/16/1472 for the request of a variation to a Section 106 agreement be **deferred** pending the provision of additional information from officers.

98. **Planning Appeals Report**

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

Resolved that the report be noted.

(The meeting ended at 8.05 pm)

Planning Committee: **Item Number:** 5

Application No: W 15 / 1704

Registration Date: 21/03/16

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall **Expiry Date:** 20/06/16

Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

Haseley Manor, Haseley Business Centre, Birmingham Road, Hatton, Warwick, CV35 7LS

Conversion of Haseley Manor to 13 apartments, demolition of Saxon House and Rossmore House and erection of 9 dwellings with associated parking, landscaping, access and tennis court. FOR Spitfire Properties LLP

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application proposes the following development:

- conversion of Haseley Manor into 13 apartments;
- demolition of Saxon House and Rossmore House;
- erection of 9 dwellings; and
- provision of associated parking, landscaping, access and tennis court.

The following amendments have been made following the submission of the application:

- omission of plot 10;
- relocation of plots 2, 3 and 9;
- garages and parking to plots 2, 3 and 9 relocated to within the proposed garage court;
- redesign of garage court including the omission of some of the previously approved built area;
- repositioning of plot 1;
- reduction in size of plot 1;
- reduction in size and alterations to the design of plot 9;
- updated ecological reports submitted;
- relocation and increase in size of proposed bat house; and
- revised flood risk assessment submitted.

THE SITE AND ITS LOCATION

The site comprises Haseley Manor, a grade II listed building, and two adjacent buildings (Rossmore House and Saxon House). Rossmore House is a separate

three storey 1970s building to the southern side of the listed building which is linked at first floor level by a pedestrian bridge. Saxon House is a two storey 1970s block to the north of the listed building. The site is currently vacant, but was previously used for offices and as an acupuncture training college. The site occupies a rural setting within the Green Belt, surrounded by agricultural land.

The site is accessed off Birmingham Road (A4177) where there is an existing bell mouth directly adjacent to the original Lodge for the Manor, which is now in separate residential ownership. There is a long meandering drive leading to the Manor. This leads to large areas of car parking in front of the Manor and adjacent buildings. The car parks and other areas surrounding the buildings are heavily landscaped and this includes a large number of mature trees. The gardens are locally listed.

The Adopted Local Plan designates the site as a Major Developed Site within the Green Belt.

PLANNING HISTORY

The Manor was built as a private house in the 1870s and has been used for office and training purposes since the 1950s. In the 1970s two additional buildings were built in close proximity to the Manor House (Rossmore House and Saxon House), one of which was linked at first floor level by a pedestrian bridge (W77/1350). Various extensions were added in the 1980s and subsequently, with the most recent being to Rossmore House in 2007 and 2008.

In 2012 planning permission was granted for "Conversion of Haseley Manor House from offices (Use Class B1) to 8 apartments (Use Class C3), with external alterations to fenestration. Demolition of Saxon House, Rossmore House (College of Traditional Acupuncture), first floor link from Rossmore House to Manor House and external stairs to Manor House. Erection of 5 terraced dwellings. Erection of 1 pair of semi-detached dwellings. Erection of 2 garage/bin store/cycle store buildings. Alterations to existing parking provision." (Ref. W12/0138).

In February 2016 listed building consent was granted for "Internal and external alterations to facilitate conversion of building to apartments including the demolition of Saxon House and Rossmore House" (Ref. W15/1705LB). This was the application for listed building consent that was submitted alongside the current planning application.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

- H4 - Securing a Mix or Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Affordable Housing (Supplementary Planning Document - January 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Hatton Parish Council: Objects to the the amendments on the following grounds:

Our previous response (25.11.15) raised the questions of:
1. Affordable housing and/or offset. This does not appear to have been addressed.
2. Traffic volumes and management. The Highways response of 04.12.15 raises no objection on the basis that traffic arising from the proposed development would be far less than that form the current permitted use of the site. This is irrelevant as the site has been little used, and thus generating negligible traffic for over 20 years, during which time traffic volumes on the A4177 have greatly increased and will increase further as a result of development proposed in the Local Plan..
The A4177/B4439 junction is already busy and dangerous with long queues on the B4439 at peak times, and with a further access in regular use at this point will require a roundabout.
3. Flooding on the driveway. The report by Parsons Brinkerhoff (25.10.16) makes comprehensive recommendations concerning foul and surface water management; it is not however clear that this extends to the entrance to the site from the Birmingham Road. This should be confirmed, and the provisions in this report implemented.
Hatton Parish Council remains in favour of redevelopment of this site for residential use.

Hatton Parish Council: Object. There is no evidence in the application of the mix of housing to be offered and no reference to affordable housing in the development or where this might be offset to. The flooding report does not address the historic flooding at the Lodge. The increase in traffic that the development will bring will add to an already congested and dangerous junction onto a busy main road. The Council notes however that it does not object in principle to a redevelopment of this site for housing.

Beausale, Haseley, Honiley and Wroxall Parish Council: Support, with the following provisos: that improvements are made to the access onto the site; that satisfactory measures are taken to reduce flooding on the site; and that the light pollution caused by excessive floodlighting of the car park is reduced.

Public response: 5 objections have been received, raising the following concerns:

- the application does not include any proposals to resolve the existing flooding issues affecting the site access, Birmingham Road and the adjacent dwelling at The Lodge;
- concerns about implications for flooding of Catchems End Cottage;
- the access to the site is impassable when flooded;
- existing flooding issues affecting the busy Birmingham Road are detrimental to highway safety;
- increased traffic;
- detrimental to highway safety; and
- the site access onto Birmingham Road is dangerous.

Cllr Gallagher: Raises concerns about flooding issues at The Lodge, adjacent to the site access.

Cllr Weed: Requests that the application is presented to Committee so that the issues raised by objectors in relation to flooding can be fully examined and considered.

Conservation Advisory Forum: The sensitive restoration of this listed Victorian mansion is welcomed together with the removal of the late twentieth century buildings which harm its setting. The design of the proposed new buildings was generally commended. However, it was felt that further improvement is required in relation to the design of the garaging, to create a more convincing arrangement that reflects a stable block and yard, potentially to include some residential use over the garages.

The proposed new houses labelled 02 and 03 were objected to, because they are located forward of the building line of the listed mansion, and furthermore they present their backs to the frontage.

Severn Trent Water: No objection, subject to a condition to require drainage details.

Warwickshire Police: No objection. Make detailed recommendations regarding security measures to be incorporated into the proposed development.

WCC Flood Risk Management: No objection, subject to a condition to require drainage details.

WCC Highways: No objection subject to conditions.

WCC Archaeology: No objection, subject to a condition to require a programme of archaeological work.

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

WCC Landscape: Object due to concerns about the landscape impact of Plots 1, 9 and 10.

WDC Waste Management: No objection.

WDC Housing Strategy: Make detailed comments about affordable housing provision, subject to the outcome of any viability assessment.

ASSESSMENT

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

- the principle of a redevelopment for residential purposes;
- compliance with Green Belt policy and the impact on the openness of the Green Belt;
- impact on the character and appearance of the listed building and the locally listed garden;
- drainage and flood risk;
- impact on the living conditions of neighbouring dwellings;
- car parking and highway safety;
- impact on trees;
- landscape impact;
- ecological impact;
- affordable housing and section 106 contributions; and
- health and well-being.

The principle of a redevelopment for residential purposes

A previous application for a residential redevelopment of the site was granted planning permission in 2012 (Ref. W12/0138). There has been no material change in circumstances since then to indicate that a different decision should be made on this issue now. The Officer's Report on that application assessed the proposals against Local Plan Policies SC2, SSP2 and RAP1 and the same conclusions in relation to those policies apply equally now. Added to that, policies RAP1 and SSP2 (which do not permit residential development in this location) are now considered to be out of date due to the fact that the Council are currently unable to demonstrate a 5 year supply of housing land. Therefore it has been concluded that a redevelopment of this site for residential purposes remains acceptable in principle.

Compliance with Green Belt policy and the impact on the openness of the Green Belt

The amendments to reduce the size and number of the proposed new build dwellings will ensure that the combined floor area of the new build dwellings would be no greater than that of the existing buildings that are to be demolished. Furthermore, the omission of plot 10 and the relocation of plots 2, 3 and 9 will ensure that the new built development is not spread too far outside of the existing built up parts of the site. Therefore it has been concluded that the proposals would preserve the openness of the Green Belt.

Turning to Green Belt policy in the NPPF, the proposals are considered to comply with the exception in paragraph 89 applying to "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land)...which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development". Therefore the proposals do not constitute inappropriate development within the Green Belt and as a result comply with Green Belt policy in the NPPF.

Impact on the character and appearance of the listed building and the locally listed garden

The alterations associated with the conversion of the listed building to apartments have already been approved under an previous listed building consent (Ref. W15/1705LB). Therefore it has already been concluded that these alterations would preserve the character and appearance of the listed building.

Turning to the impact of the new buildings on the setting of the listed building and on the locally listed garden, a number of amendments have been made to the scheme to reduce these impacts. This includes the relocation or omission of the plots that were initially proposed to the front of the listed building. In addition, plot 1 and its associated garage have been moved further back relative to the listed building. These amendments will provide an improved setting for the key approach along the access drive and associated views of the listed building from the front.

There would be some limited adverse impact on the rear setting due to the relocated plots 2 and 3 now extending to the rear of the listed building, but this would be outweighed by the significant benefits associated with the removal of Rossmore House and the creation of a feature garden to significantly improve the setting to the side of the listed building. The new build element of the scheme is sensitively designed to respect the character of the listed building. Therefore it has been concluded that the proposals would preserve the character and appearance of the listed building and the locally listed garden.

Drainage and flood risk

Local residents have raised significant concerns about existing flooding issues affecting the site entrance. This flooding impacts on the adjacent dwelling at The Lodge as well as on the public highway (Birmingham Road). The applicant has submitted a revised Flood Risk Assessment to address concerns that were raised by WCC Flood Risk Management, who have subsequently raised no objection to the application. A condition is recommended to require the submission of drainage details. Subject to this condition the proposals are considered to be acceptable from a drainage and flood risk point of view.

Impact on the living conditions of neighbouring dwellings

The site of the proposed dwellings is some distance away from any neighbouring dwellings. Therefore the proposals would not have any significant implications in terms of loss of light, loss of outlook or loss of privacy for neighbours.

The Highway Authority have confirmed that the proposals would result in a significant reduction in the amount of traffic using the site access when compared with the lawful office use of the site. As a result there would be no additional impact on neighbours from traffic using the access drive.

Car parking and highway safety

Car parking is provided in accordance with the Council's Parking Standards. Therefore the proposals are considered to be acceptable from a car parking point of view.

Turning to the issue of highway safety, as previously stated there would be a significant reduction in the amount of traffic using the site access when

compared with the lawful office use of the site. Furthermore the Highway Authority have confirmed that the existing access onto Birmingham Road is suitable for the development proposed and have raised no objection to the application. Therefore it has been concluded that the proposals would have an acceptable impact on highway safety.

Impact on trees

The proposed dwellings are largely sited away from existing trees and therefore only a small number of trees would need to be removed to make way for the development. This is similar to the extent of tree removal that was approved as part of the previous planning permission for this site (Ref. W12/0138). None of the trees to be removed are significant specimens and suitable replacement planting can be secured by a condition requiring the submission of a landscaping scheme. Therefore, in the context of this heavily landscaped site, the proposed tree removal is considered to be acceptable. Subject to the implementation of appropriate tree protection measures (which can be secured by condition), the proposals would also have an acceptable impact on retained trees.

Landscape impact

The amendments to the scheme have addressed the concerns of WCC Landscape. In particular the landscape impact of the proposals has been significantly reduced by the omission of plot 10, the relocation of plots 2, 3 and 9 and by the reduction in size and repositioning of plot 1. As amended the position and size of the proposed buildings is well related to the existing built development on the site and will not significantly impact on the wider landscape.

Ecological impact

Bat surveys have been carried out and these have identified the presence of bats within two of the buildings on the application site. Outline mitigation measures have been proposed in the form of a bat house above part of the proposed garage block. The County Ecologist has accepted the findings of the bat surveys and the proposed mitigation measures, subject to a condition to require full details. The County Ecologist has also recommended conditions relating to the protection of other species during the development as well requiring a Landscape and Ecological Management plan to secure a net gain in biodiversity on the site. Subject to these conditions the County Ecologist has no objection and therefore it has been concluded that the proposals would have an acceptable ecological impact.

Affordable housing and section 106 contributions

The applicant has submitted a viability appraisal which demonstrates that the provision of any affordable housing or section 106 contributions would render the scheme unviable. The viability appraisal has been checked and verified by the Council's independent surveyor. Therefore it has been concluded that affordable housing and section 106 contributions cannot be required in relation this development on viability grounds.

Health and well-being

The proposals do not raise any significant implications in terms of health and well-being.

Other matters

The proposals make suitable provision for the storage and collection of refuse and recycling.

SUMMARY/CONCLUSION

A residential redevelopment would be acceptable in principle on this site and the proposed redevelopment scheme would comply with Green Belt policy. The proposals would preserve the character and appearance of the listed building and the locally listed garden. Furthermore the proposals are considered to be acceptable in terms of drainage / flood risk, car parking / highway safety, impact on trees and ecological impact. Therefore it is recommended that planning permission is granted.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1788/01L, 1788/02A, 1788/03, 1788/04, 1788/05A, 1788/06, 1788/07, 1788/08, 1788/09, 1788/10C, 1788/11B, 1788/12C, 1788/13B, 1788/14C, 1788/15C, 1788/16C, 1788/17C, 1788/19, 1788/20, 1788/21, 1788/22, 1788/32C & 1788/49, and specification contained therein, submitted on 8 October 2015, 29 October 2015, 1 July 2016 & 7 November 2016. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 No development shall take place until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

a. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753
b. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods

c. Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in "Science Report SC030219 Rainfall Management for Developments"
d. 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 drainage 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.
e. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing
f. A foul water drainage scheme including evidence from Severn Trent Water (STW) that there is adequate capacity within their sewerage assets for this development and that STW are in agreement with the proposed foul water drainage scheme.
g. Provide a Maintenance Plan to the LPA giving details on how the entire surface water and foul water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas on site (outside of individual plot boundaries) shall be provided to the LPA.

REASON : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.

4 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

5 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

6 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) to be retained on the site, or

those tree(s) whose root structure may extend within the site. In particular 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 retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained 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 be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

7 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings, fences and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

8 Prior to development commencing full details of the provision of a footway from the south-eastern side of the site to the existing public highway footway shall be submitted to and approved in writing by the Council. No building shall be occupied until the footway has been laid out in accordance with the approved details. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

9 Notwithstanding the plans submitted, no development shall commence until full details of the provision of the manoeuvring and service areas,

including surfacing, swept path analysis and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of manoeuvring of vehicles. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

10 The development and demolition hereby permitted shall not commence or continue unless a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear. The turning area shall be retained for the duration of construction works. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

11 No development shall commence 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 DP1 & DP2 of the Warwick District Local Plan 1996-2011.

12 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials 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 and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

13 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 water bodies, native species planting, wildflower grasslands, woodland creation/enhancement and provision of

habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON :** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework.

14 No development shall commence until a detailed lighting scheme for the site has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

(a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
(b) the brightness of lights should be as low as legally possible;
(c) lighting should be timed to provide some dark periods; and
(d) connections to areas important for foraging should contain unlit stretches.

No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

15 The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the local planning authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition it should include appropriate working practices and safeguards for other wildlife, dependent on further survey work, 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 Policy DAP3 of the Warwick District Local Plan.

16 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **REASON:** In order to ensure any remains

of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

17 Prior to commencement of the development hereby permitted further drawings showing the new walls to the utility, cloaks and bathrooms at not full height shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. **REASON:** To ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

18 All features of architectural detailing, fireplaces and doors shall be retained in situ unless shown as to be removed on the approved drawings. If any historic doors are to be removed they shall be reused elsewhere in the building in accordance with details to be submitted to and approved in writing by the Local Planing Authority prior to occupation of the development hereby permitted. Details will also be required of how historic doors will be upgraded to meet fire regulations (if necessary). **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

19 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All 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 (excluding hard surfaces). **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

20 The development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 160.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

21 The dwellings 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** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

22 The development and demolition hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

23 The development hereby permitted shall not be occupied until the applicant has provided sustainability packs for each household. **REASON**: To encourage occupiers to travel sustainably in accordance with Policy SC12 of the Warwick District Plan 1996 – 2011.

24 Access for vehicles to the site from the public highway (Birmingham Road A4177) shall not be made other than at the position identified on the approved drawing, number 1788-02 Rev A, providing an access no less than 5.0 metres wide for a distance of 30.0 metres into the site, as measured from the near edge of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

25 No gates shall be erected at the entrance to the site for vehicles until full operating details, including method of access/egress, have been submitted to and approved in writing by the Council. Such gates shall be located, hung and operated in accordance with Drawing No. 1788-02 Rev A and the details approved under this condition. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

26 None of the apartments hereby permitted shall be occupied unless and until bin and cycle stores have been constructed in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. The bin and cycle stores shall be retained at all times thereafter. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted. **REASON:** That having regard to the location of the proposed dwellings within the Green Belt as well as within the curtilage of a grade II listed building, it is important to

ensure that no further development is carried out which would detract from the openness of the Green Belt or the setting of the listed building, in accordance with Policies DP1 and DAP4 of the Warwick District Local Plan 1996-2011.

Planning Committee: 6 December 2016 **Item Number:** 6

Application No: W 16 / 0239

Registration Date: 11/02/16
Town/Parish Council: Baginton **Expiry Date:** 12/05/16
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley Roundabout.

Comprehensive development comprising demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping (Outline application discharging access with all other matters reserved). FOR Coventry City Council & Jaguar Land Rover

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PROPOSED AMENDMENT TO CONDITION 13

This application was considered by Planning Committee on 23 April 2016. Committee resolved to grant planning permission, subject to the completion of a satisfactory section 106 agreement to secure various restrictions and contributions. Work has been progressing with the section 106 agreement and this is nearing completion.

Alongside this Jaguar Land Rover have been undertaking further due diligence and investigations into the site and it has now become apparent that the site is currently constrained by the availability of a power supply in the short term. This has created an issue with Condition 13 of the draft planning permission, which requires the first 10,000 sq m of floorspace within the development to be occupied by Jaguar Land Rover.

Due to the short-term power constraints, Jaguar Land Rover have advised that they are only able to commission and occupy 8,500 sq m of floorspace within the timeframe dictated by the condition. Jaguar Land Rover have advised that they remain fully committed to taking significant additional floorspace within the development, over and above this initial 8,500 sq m, but due to the power constraints the initial occupation condition is problematic as currently worded.

A copy of the letter from the applicant setting out the reasoning behind their request is appended to the end of this report.

OFFICER ASSESSMENT OF PROPOSED AMENDMENT

The proposals amount to a relatively minor change to the threshold specified in the condition (a 15% reduction). As such, it would not represent a significant change in the effect of the condition. There are evidently short term power constraints which dictate that Jaguar Land Rover are unable to comply with the condition as currently worded. A failure to amend the condition as request may jeopardise the implementation of the development and the substantial economic benefits that it would deliver. Therefore it is considered that it would be appropriate for the condition to be amended as requested.

RECOMMENDATION

Planning Committee are recommended to amend condition 13 to read as follows:

The first 8,500 square metres (GFA) of floorspace within the development shall be occupied by Jaguar Land Rover. No other buildings shall be occupied within the development until Jaguar Land Rover have fully occupied 8,500 square metres of B1 floorspace within the technology campus.

There would also be a similar change to the corresponding clause in the section 106 agreement.

Jaguar Land Rover
Abbey Road, Whitley
Coventry CV3 4LF
T +44 (0)1926 694 040

18th November 2016

Mrs Tracy Darke, Head of Development Services
Warwick District Council,
Riverside House
Milverton Hill
Leamington Spa
CV32 5HZ

Dear Mrs Darke,

W/16/0239: Whitley South

We write with reference to the above development.

As you are aware the formal planning consent for the above application will not be issued until the s106 agreement is signed. Whilst, we understand that the process for agreeing this document is well advanced and that signature is anticipated next month one issue of concern has emerged in respect of one of the proposed conditions, agreed by the Warwick District Council Planning Committee when it met to determine the application. This is condition 13 which states that "the first 10,000 square meters (GFA) of floor space within the development shall be occupied by Jaguar Land Rover. No other buildings shall be occupied within the development until Jaguar Land Rover have fully occupied 10,000 square meters of B1 floor space within the technology campus".

The reason for this condition being set was, given that the particular requirements of Jaguar Land Rover formed part of the very special circumstances for permitting the development of Green Belt land, this should be reflected in a firm commitment from the company to develop and occupy that required site.

Having undertaken further due diligence and investigations into the site (to the extent that this was not possible until the application had been approved), it has now become apparent that the site is currently constrained by the availability of a power supply in the short term. As such, during this period, Jaguar Land Rover is only able to commission and occupy circa 8,500 square meters of floor space.

Jaguar Land Rover remain fully committed to the technology campus and are progressing the acquisition of circa 29 acres of the land. The first 8,500 square meters of development, represents significant investment in the site by the company and as additional power is provided (we understand discussions are well advanced) Jaguar Land Rover will develop out a further wave of buildings.

In summary, Jaguar Land Rover is committed to developing out their part of the technology campus and the purpose of this letter is to confirm this remains our intent.

We would ask the Council to consider varying this condition to allow for discharge of this condition on occupation of no less than 8,500 sqm GFA of floor space within the technology campus.

Yours sincerely,

[redacted]

pp.

Sarah-Jane Loughran
Property Director
(Global Real Estate & Workplace),
Jaguar Land Rover

[redacted]

Martin Yardley
Coventry City Council
(As joint applicant)

Planning Committee: 06 December 2016 **Item Number:** 7

Application No: W 16 / 1139

Registration Date: 21/06/16
Town/Parish Council: Kenilworth **Expiry Date:** 20/09/16
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

Talisman Square, Warwick Road, Kenilworth
Mixed use development comprising 1533sqm of retail floor space at ground floor and 65 residential units (mix of cluster flats and studio rooms) above. FOR Cobalt Estates (Kenilworth) ltd.

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to conditions and subject to the receipt of a Section 106 Agreement or Unilateral Undertaking to secure the contributions and parking restrictions as referred to in the report below. Should a satisfactory Section 106 Agreement or Unilateral Undertaking not have been completed by 20 December 2016, Planning Committee are recommended to delegate authority to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The application proposes a mixed use development comprising 1,533 sq m of retail floor space and 65 residential units. The retail units would fall within Use Class A1 and would occupy the ground floor of the development, with associated storage on the first floor. The residential units would occupy the upper floors and would comprise a mix of cluster flats and studios. The residential units are intended to be occupied by students.

The proposal is for the erection of a five storey building. This would be an L-shaped building with retail frontages onto Talisman Square to the south and east. The second, third and fourth floors would be set back 7m from the southern frontage, while the fourth floor would not extend along the eastern frontage of the building, with this wing being limited to four storeys in height.

A service yard including parking for 8 cars as well as a cycle store would be provided to the rear of the building. This would be accessed from Station Road.

THE SITE AND ITS LOCATION

The site comprises part of the Talisman Square shopping precinct. It is currently used as a temporary car park pending redevelopment. The site formerly

contained retail units fronting onto a square. Two of these retail units remain within the site, fronting onto Station Road.

The site adjoins the Boots retail unit to the west and faces further retail units on the opposite sides of Talisman Square to the south and east. The upper floors of the buildings on the opposite sides of Talisman Square include residential accommodation, a gym and offices. The pedestrian walkways of Talisman Square run along the southern and eastern boundaries of the site. Station Road and commercial units in that road form the northern boundary of the site. There is vehicular access into the site from Station Road.

The site is situated within Kenilworth Town Centre, within the retail area as designated in the Local Plan. Talisman Square is also designated as a primary retail frontage. The surrounding area is predominantly commercial in character, although there is residential accommodation on the upper floors of some of the surrounding buildings.

PLANNING HISTORY

In 2004 planning permission was granted for "Erection of 5 retail units with 4 flats above; erection of a restaurant and extension to existing retail unit with alterations to service/parking yard after demolition of part existing retail units" (Ref. W03/1260). This planning permission was not implemented.

In 2012 planning permission was granted for "Change of use of land to create a car park comprising 44 car parking spaces including 4 disabled spaces and cycle parking" (Ref. W12/1255). This was a temporary planning permission that expires in November 2017.

Prior to the above applications there had been a number of other previous applications dating back to the original construction of the square in the 1960s. However, these were all for minor alterations and extensions and none of these are relevant to the consideration of the current application.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 1996 - 2011)

- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- TCP4 - Primary Retail Frontages (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC2 - Directing Retail Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC6 - Primary Retail Frontages (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Members welcome an application coming forward for the further implementation of the town centre plans. They appreciate that a scheme on this site was approved as part of the town centre redevelopment involving the building of the Waitrose store. Although the original application was for only 4 ordinary flats above retail shops, members now accept the change to student accommodation assuming that there will be suitable conditions concerning the management of the building to ensure amenity arrangements regarding noise, rubbish disposal and similar issues. At the time of the original application members raised concerns over car-parking provision in the town centre. The resulting two-storey car park at Waitrose was intended to meet this demand but will be no use to this development as it closes in the evening and now the situation will be exacerbated by the loss of the temporary car park on the actual site. It will be necessary to apply conditions on car ownership in the development. Section 2 of the Design Statement is incorrect in not recognising the access limitations on the privately run Waitrose car park.

There is concern over the height of the building. Members disagree with the statement in response to concerns expressed in the Statement of Community Involvement, Appendix 2 that "The host building is of a similar height to that in the existing area". The proposed building is five storeys. The only buildings of such height are some distance away at Abbey End as evidenced by the diagram on page 9 of the Design Statement. Adjoining buildings in Talisman are only two and three storey. Members appreciate that the design sets back upper stories to lessen the impact close to, but the building will dominate the area when viewed

from Abbey End car park and other vantage points and the quality of the design is therefore crucial.

Public Response: 8 objections have been received, raising the following concerns:

- overdevelopment;
- the development will make Talisman Square into a corridor, which will be unappealing and unsafe;
- filling every square metre of space with buildings will destroy the character of Talisman Square;
- a 5 storey development is too high and obtrusive for this location;
- the frontages of the building should be pushed back to provide more public space to the front;
- loss of the square as a community resource;
- an opportunity is being missed here to create an attractive communal space;
- question the need for more retail units given existing vacancies in the town;
- parking should be provided for the student accommodation;
- it is unrealistic to expect residents not to have a car;
- buses are not reliable or frequent in the evenings;
- lack of provision for cycle parking;
- loss of public parking;
- increased parking congestion on nearby streets; and
- concerns about having student accommodation in the town centre given the experiences in Leamington and Warwick.

One further resident has submitted comments neither objecting to or supporting the application but requesting conditions to ensure that HGVs access the site via the Abbey End car park only, similar to the conditions on Waitrose. This resident also requests that future occupants of the development are prohibited from applying for residents' parking permits.

One comment in support has been received.

Warwickshire Police: No objection, but make detailed recommendations regarding security measures to be incorporated into the development.

WCC Ecology: No objection.

WCC Public Health: Provide general recommendations on integrating health and well-being into planning.

WCC Flood Risk Management: No objection, subject to a condition to require drainage details.

WCC Archaeology: No objection, subject to a condition to require a programme of archaeological work.

WCC Highways: No objection, subject to section 106 requirements.

South Warwickshire NHS Foundation Trust: Request a contribution of £29,390.32 towards acute and community healthcare services.

WDC Environmental Health: No objection, subject to conditions in relation to contamination, air quality and delivery hours.

WDC Waste Management: Object due to the bin store not being large enough.

WDC Private Sector Housing: No objection.

ASSESSMENT

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

- the principle of permitting the redevelopment of the site for retail and residential purposes;
- whether the proposals would cause a harmful over-concentration of student accommodation / houses in multiple occupation in this area;
- the impact on the living conditions of nearby dwellings;
- provision of a satisfactory living environment for future occupants of the proposed development;
- the impact on the character and appearance of the area;
- car parking and highway safety;
- provision for the storage and collection of refuse and recycling; and
- health and well-being

The principle of permitting the redevelopment of this site for retail and residential purposes

The application site comprises previously developed land situated within the urban area and therefore, in general terms, a redevelopment for residential purposes would be in accordance with Local Plan Policy UAP1. The provision of retail floorspace on the ground floor of the development would comply with the retail designation of this area in the Local Plan. This would also comply with the primary retail frontage designation.

For the above reasons it has been concluded that the proposed mixed retail and residential development would be acceptable in principle, subject to the precise form of residential development being compatible with the area (see following section).

Whether the proposals would cause a harmful over-concentration of student accommodation / houses in multiple occupation in this area

At present only 2 of the residential properties within a 100m radius of the application site are in use as houses in multiple occupation (HMOs). As a result there are no existing issues with excessive concentrations of student accommodation / HMOs in the locality. Given the size of the proposed development, it would introduce a significant number of such properties. However, when considering the proposals against Draft Local Plan Policy H6, it is evident that this site would be covered by the exemption related to main thoroughfares within mixed use areas where the proposals would not lead to an increase in activity along nearby residential streets. With the site being situated within a predominantly commercial area where there is no existing concentration

of student accommodation / HMOs, the proposals are unlikely to cause the negative impacts on residential streets that can sometimes be associated with student accommodation. Furthermore, with this being a purposes built block, there would be management controls in place to deal with any issues should they arise.

Therefore the proposals are considered to be in accordance with Local Plan Policy H6 and will not cause a harmful over-concentration of student accommodation / HMOs in this area.

Impact on the living conditions of neighbouring dwellings

The above section dealt with the wider impacts on the living conditions of nearby residents resulting from the general concentration of students on the application site and in the surrounding area. Given that the site is accessed from a main thoroughfare and is situated within a busy part of the town centre, it is not considered that the proposals will cause unacceptable noise and disturbance for nearby residents. The next section will deal with the more immediate impacts on adjacent residents in terms of potential loss of light, loss of outlook or loss of privacy.

The main impact in these regards would be on the dwellings on the upper floors of Sexton House, on the opposite side of Talisman Square. The proposals would comprise a large structure directly in front of the windows to those residential properties. The separation distance would be 9m at ground and first floor level and 16m at second, third and fourth floor level (albeit the upper floor set back of the corner section is less, giving a 12m separation at second, third and fourth floor level at that point). Whilst this is quite tight for a building of this height and contrary to the Council's Distance Separation Guidelines, it is important to bear in mind that this site is situated within the commercial core of the town centre. It would not be appropriate to strictly apply standard separation requirements to a development like this because this is a predominantly commercial part of the town centre. Residents in such a locality must accept that the same separation standards that are used in suburban areas cannot be strictly applied. To do otherwise would harm the vitality and viability of the town centre since it would unnecessarily restrict commercial developments. Taking these considerations into account, it has been judged that the separation distances achieved are sufficient to ensure that the proposals will not cause unacceptable loss of light or loss of outlook for the dwellings in Sexton House.

With regard to privacy, the windows in the second, third and fourth floors are set far enough away from the windows in Sexton House to ensure these would not cause unacceptable overlooking (again a reduced distance compared with the Distance Separation Guidelines is considered appropriate on this town centre site, across a busy public thoroughfare). To account for the narrow separation distance at first floor level, the building has been designed with angled windows to ensure that the clear glazed parts of the windows face at an angle down the street, rather than across at Sexton House. This will ensure that the first floor windows do not cause unacceptable overlooking. As a result, it has been concluded that the proposals would not cause unacceptable loss of privacy for the dwellings in Sexton House.

Turning to the impact on other nearby dwellings, the proposed building is considered to be far enough away from those properties to ensure that the development would not have any significant implications in terms of loss of light, loss of outlook or loss of privacy for those dwellings.

Taking all of the above considerations into account, it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings.

Provision of a satisfactory living environment for future occupants of the proposed development

The use of angled windows on certain parts of the development to address privacy issues does not create an ideal living environment. The outlook from the rooms served by those windows would be rather restricted. However, the applicant has provided examples of a number of student developments elsewhere in the country where this type of arrangement has been used. Furthermore, it is important to bear in mind that the judgement that must be made on this issue is not whether this is the ideal arrangement from a living environment point of view, but rather whether this arrangement would create a living environment that was so bad that it justified a refusal of planning permission under Local Plan Policy DP2. Having considered the examples provided by the applicant, and bearing in mind the short-term nature of the occupation of the rooms in question, it is not considered that a refusal of planning permission would be justified on these grounds.

There are no other issues with the layout of the development in terms of providing a suitable living environment. The layout and room sizes comply with the standards of the Council's Private Sector Housing team. Therefore it has been concluded that the proposals would provide a satisfactory living environment for future occupants.

Impact on the character and appearance of the area

Buildings in the immediate vicinity of the application site are generally two or three storeys in height. In contrast, the proposed building would be up to 5 storeys high. However, the highest parts of the building are set back into the site to limit their visual impact. Furthermore, there are examples of taller buildings in the wider area, the nearest being Warwick House in Station Road (4 storeys), with a number of other 4 storey buildings around Abbey End (the 8 storey Holiday Inn has not been referred to here because it is somewhat of an anomaly). So whilst the proposed building would be significantly taller than the existing buildings in the immediate vicinity of the application site, the difference in height compared with other buildings in the wider area would not be so marked. It is important to have regard to the fact that the site is situated within the commercial core of the town centre, where higher densities are to be expected and reflect the objective of making the best use of land in sustainable locations. Furthermore, the immediate surroundings comprise a 1960's shopping precinct that is of no particular architectural merit. Therefore, taking all of these considerations into account, it has been concluded that the height of the proposed building would be appropriate for this location.

In terms of detailed design, a variety of materials and design features have been used to break up the mass of the building. The facing materials comprise predominantly brick and render, with small amounts of metal cladding. The design and materials are considered to be appropriate for this location and will not appear out of place when compared with the design and materials of existing buildings in the vicinity of the site.

Car parking and highway safety

There has been no objection from the Highway Authority. Therefore the proposals are considered to be acceptable from a highway safety point of view.

With regards to car parking, the proposed layout includes spaces for 8 cars to the rear of the site. These are intended to serve the proposed retail units and comply with the Council's Parking Standards SPD in relation to that element of the development.

No parking is provided for the proposed student accommodation. This part of the scheme is intended to be car-free. The site is situated within a residents' parking zone and the applicant has submitted a unilateral undertaking which will ensure that future occupants are not entitled to residents' parking permits. This will ensure that the proposed development will not increase parking congestion on surrounding streets. As a result, the proposals are considered to be acceptable from a parking point of view.

The proposals include a cycle store to the rear of the proposed building and discussions are on-going with the applicant regarding the suitability of this. An update on this issue will 'be provided in the addendum report to Committee.

The Town Council's comments regarding public parking provision in the town centre are noted. However, this site was only ever intended to be used as a car park on a temporary basis, and the planning permission for that temporary use expires in November 2017. Furthermore, the 2004 planning permission for the redevelopment of the site established the principle of redeveloping this site without creating additional public car parking. For these reasons any issues to do with public parking provision within the town centre cannot be considered as part of this planning application.

Provision for the storage and collection of refuse and recycling

The application has been amended to provide a larger bin store to meet the requirements of the Council's Waste Management team. The enlarged bin store provides sufficient space for the storage of refuse and recycling associated with the proposed development. The amendment has addressed the concerns of the Council's Waste Management team.

Health and well-being

The proposals do not raise any significant implications in relation to health and well-being.

Section 106 contributions

The applicant has agreed to submitted a Unilateral Undertaking to secure the following (in addition to the residents' parking restrictions outlined above):

- a contribution of £65,377 towards the provision or enhancement of public open space;
- a contribution of £29,390.32 towards acute and community healthcare services;
- a contribution of £75 per unit for sustainable welcome packs; and
- provision of signage indicating the routes to Kenilworth Station, the Bus Focal Point and other nearby bus stops and to cycle route 52.

Other matters

A condition is recommended to require air quality mitigation measures, in accordance with the comments of Environmental Health. This will ensure that the air quality impacts of the development are satisfactorily mitigated.

A condition is recommended to require a contamination assessment, in accordance with the comments of Environmental Health. This will ensure that any contamination risks are satisfactorily mitigated.

Neighbours have requested that a condition is imposed to require commercial traffic to be routed through the Abbey End car park rather than surrounding residential streets. Neighbours have cited a similar condition that was imposed on the nearby Waitrose development. However, the Highway Authority have not indicated that such a condition is necessary for the development proposed in the current application and no such restriction was imposed on the previous permission for the redevelopment of this site. Therefore it is not considered that such a restriction is appropriate in the current case.

There has been no objection from the County Ecologist. Therefore is has been concluded that the proposals would have an acceptable ecological impact.

A condition is recommended to require the submission of details of on-site renewable energy production or enhanced energy efficiency measures in accordance with Local Plan Policy DP13.

Residents have raised concerns about the loss of the square as a public space. However, the 2003 planning permission established the principle of building on the former square. Nothing has changed since then to indicate that planning permission should be refused on these grounds now.

SUMMARY / CONCLUSION

The proposed mixed retail and residential development of this site is considered to be acceptable in principle and in accordance with Local Plan policies. The proposals would not create a harmful concentration of student accommodation / HMOs in this area and the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Furthermore the proposals would

provide a satisfactory living environment for future occupants and would have an acceptable impact on the character and appearance of the area. Finally the proposals are considered to be acceptable in terms of car parking and highway safety. Therefore it is recommended that planning permission is granted.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form and approved drawing(s) 0133-P207-A, 0133-P208-D, 0133-P209-C, 0133-P210-B, 0133-P211-B, 0133-P212-B, 0133-P213-B, 0133-P214-B, 0133-P215-B, 0133-P216-D & 0133-P223, and specification contained therein, submitted on 21 June 2016, 7 November 2016, 18 November 2016 and 22 November 2016. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

4 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first occupied until the works within the approved scheme have been completed for that particular part of the development and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

5 No development shall commence until details of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **REASON:** To ensure that

adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy DP11 of the Warwick District Local Plan 1996-2011.

6 No development shall commence 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 DP1 & DP2 of the Warwick District Local Plan 1996-2011.

7 No development shall commence until details of obscure glazing for the angled window bays have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. Prior to the occupation of the residential accommodation hereby permitted, any parts of the angled bay windows that are shown to be obscure glazed in the details approved under this condition 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. The obscured glazed window shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

8 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

9 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses

- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

REASON : To ensure the protection of controlled waters and to prevent pollution in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011.

10 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 DP6 & DP8 of the Warwick District Local Plan 1996-2011.

11 No part of the residential accommodation hereby permitted shall be occupied unless and until the bin and cycle stores have been constructed in strict accordance with the approved plans. The bin and cycle stores shall be retained at all times thereafter. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality and to ensure that there are adequate cycle parking facilities to serve the development, in accordance with Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011.

12 The residential accommodation hereby permitted shall be used solely as a student hall of residence, and ancillary purposes thereto, being occupied solely by persons enrolled in a full time course of further education. **REASON** : The parking provision may not be sufficient for a conventional residential development, in accordance with Policy DP8 of the Warwick District Local Plan.

13 The residential accommodation hereby permitted shall not be occupied unless and until a Management Plan has been submitted to and approved in writing by the District Planning Authority. The Management Plan shall cover the following:

- warden supervision arrangements;
- building and site access and egress arrangements;
- traffic management including drop off and pick up arrangements;
- CCTV provision and security;
- green travel proposals including cycle parking provision and management;
- waste facilities provision and management; and
- a strict code of behaviour.

The approved Management Plan shall be implemented in full at all times that the premises are occupied as a student hall of residence.

REASON : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

14 The development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter. **REASON**: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.

15 No deliveries (incoming or leaving) or noisy external activities likely to cause nuisance to nearby residences shall take place before 0730 hours or after 2130 hours on Mondays to Saturdays or before 0900 hours or after 1800 hours on Sundays. **REASON :** To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.

Planning Committee: 06 December 2016 **Item Number:** 8

Application No: W 16 / 1204

Registration Date: 07/07/16
Town/Parish Council: Leamington Spa **Expiry Date:** 06/10/16
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

79 Bedford Street, Leamington Spa, CV32 5DN
Demolition of existing nightclub and erection of a 4 storey building containing 8no. multiple occupancy apartments FOR Smith

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This application is being presented to Committee as 5 comments in support have been received and it is recommended for refusal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes the demolition of the existing nightclub building and the erection of a 4 storey building containing 8no. multiple occupancy apartments. The building will contain a total of 46 bedrooms, arranged in 8 clusters. Each cluster would share a kitchen / living / dining room.

Pedestrian access to the building is provided from Bedford Street. This leads into a small courtyard that contains the main stair core as well as the bin store.

No parking is included on site, but a unilateral undertaking has been submitted which will secure the removal of the property from the residents' parking zone covering this area. Therefore future occupants of the development will not be entitled to residents' parking permits. The unilateral undertaking also secures an open space contribution of £30,144.

In terms of supporting information the application was accompanied by a bat survey, a design and access statement and the unilateral undertaking.

The following amendments have been made to the application:

- entrance arrangements and internal layout amended to provide an entrance direct from the street rather than from the side alleyway;
- bin store relocated;
- fire escape to Victoria Chambers to the rear of the application site shown to be relocated (outside of the site);
- new bin store shown for Victoria Chambers to the rear of the application site (outside of the site);
- certain windows shown to be partially obscure glazed;

- amendments to the external appearance of the building;
- cycle parking relocated and increased in size;
- increase in size of internal courtyard and reduction in size of the part of the building fronting onto Bedford Street to improve the outlook and light for the windows facing onto the courtyard; and
- changes to the internal layout to reduce the number of windows facing onto the internal courtyard, resulting in additional windows in the south elevation facing onto the side alleyway and adjacent land.

THE SITE AND ITS LOCATION

The application relates to the Rio's nightclub building situated on the east side of Bedford Street. The site is situated within a predominantly commercial part of the Royal Leamington Spa Town Centre, although there are residential properties on the upper floors of adjacent premises, including Victoria Chambers and No. 138 Parade immediately to the east of the site. Part of the site falls with the town centre retail area, as defined in the Local Plan (the northern two-thirds of the site). The site is situated within the Royal Leamington Spa Conservation Area and adjoins a number of Grade II listed buildings that front onto Parade.

PLANNING HISTORY

There have been a number of previous applications for changes of use, extensions and alterations relating to the use of the premises as a nightclub, but none which are directly relevant to the determination of this application.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Leamington Town Council: Object. The Town Council welcomes a proposed redevelopment of this site but has an objection on the grounds of a lack of parking provision. Whilst the Town Council notes the unilateral undertaking, occupiers of these flats will have cars and the lack of any parking provision on site will only serve to exacerbate the existing problem of parking availability in surrounding streets, thus impacting on highway safety.

Public Response: One resident has welcomed the conversion from a nightclub to residential use but has raised the following concerns:

- this is too dense a development;
- light will be minimal to the bedrooms facing the light-well;
- the bedrooms are too small for their intended use;
- lack of external amenity space; and
- occupants of the development should be prohibited from applying for residents' parking permits.

5 comments in support have been received, making the following points:

- the removal of the nightclub will improve the area;
- the nightclub causes issues with anti-social behaviour and noise;
- the design of the new building will be an improvement to the street scene; and
- occupants of the development should be prohibited from applying for residents' parking permits.

Conservation Advisory Forum: In principal CAF accepts the redevelopment of the site, and discussion was largely focused on the appropriateness of the proposed design. Elements such as the Crittall windows were supported; though the vertical bay of larger windows without glazing bars (serving lounges) needs to better match other windows and the street scene.

Concern was raised regarding the shape of the roofline, the height, density, and massing of the proposed design, and materials for the façade. It was suggested the scheme would be improved by reducing it to three storeys, changing to a horizontal parapet roofline, changing to a rendered façade with a rusticated (or brick) ground floor, and addition of a prominent entrance at the front (possibly replacing the window to the lounge) to link to the courtyard behind, where a larger area for cycle parking and bin storage is likely to be needed. The currently proposed entrance down an alleyway is considered too hidden, undignified and potentially unsafe. Concern was also raised about the number of proposed bedrooms, with potential for up to 96 people (if there is double occupancy), and the knock-on effect for the Conservation Area due to lack of car and cycle parking, storage, refuse bin storage etc.

WCC Ecology: No objection, subject to conditions.

WCC Highways: No objection.

WDC Green Space: Request a contribution of £30,144 towards the provision or enhancement of public open space in the local area.

WDC Private Sector Housing: The room sizes and layout are all adequate and comply with the Council's adopted standards. If 2 cookers are being provided in each unit, they should be separated rather than adjacent to each other.

WDC Waste Management: The bin store would need to be big enough to accommodate 6 x 1,100 litre bins as well as allowing enough space for the movement of these bins on collection day.

ASSESSMENT

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

- the principle of development;
- impact on the character and appearance of the conservation area;
- impact on the setting of the adjacent listed buildings;
- impact on the living conditions of neighbouring dwellings;
- provision of a satisfactory living environment for future occupants of the proposed development;
- provision for the storage of refuse and recycling;
- car / cycle parking and highway safety;
- protection of bats; and
- health and wellbeing.

Principle of development

The application site comprises previously developed land situated within the urban area. Therefore a redevelopment for residential purposes would be in accordance with Local Plan Policy UAP1.

Whilst the site is situated within the retail area of the town centre, the existing use of the premises does not fall within any of the "A" Use Classes. Therefore the proposed redevelopment would not contravene Local Plan Policy TCP2.

There is quite a concentration of houses in multiple occupation in the vicinity of the application site, including the upper floors of the adjoining buildings on Parade (Victoria Chambers and 138 Parade). However, the site is situated on a main thoroughfare within the commercial core of the town centre. This is the type of location where Draft Local Plan Policy H6 indicates that there would be an exception to the normal saturation restrictions. The lack of objections to the principle of a development for multiple occupancy dwellings in this location further indicates that this is not the type of area where concentrations of such development are likely to cause problems. Therefore the proposals are considered to be in accordance with Local Plan Policy H6 and will not cause a harmful over-concentration of HMOs in this area.

For the above reasons it has been concluded that a redevelopment of the site for multiple occupancy dwellings would be acceptable in principle.

Impact on the character and appearance of the conservation area

Paragraph 132 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 134 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.

The existing building is not of any particular architectural merit and consequently there can be no objection to its demolition, subject to securing a suitable replacement building. Looking at the proposed replacement building, this would be significantly larger than the existing building, being taller and extending this increased height across the whole width and depth of the site. As a result the proposed building would have a substantial bulk and mass and would be significantly larger than the buildings to either side in Bedford Street.

Looking at this in context, this section of Bedford Street is a mews street that is fronted by predominantly low-rise buildings. For the most part buildings do not exceed two storeys in height. Exceptions to this can be found at either end of the street, where the three and four storey side elevations of the buildings in the adjoining non-mews roads (Regent Street and Dormer Place) turn the corner into Bedford Street. Given their relationship with the adjacent non-mews streets, these taller buildings do not detract from the mews character of this section of Bedford Street. There is also a collection of larger three storey buildings towards the southern end of the street, comprising the rear of the Premier Inn premises and the adjacent offices. These do detract somewhat from the mews character of the street, however, this is mitigated to a degree by them being sited towards one end of the street, adjacent to the higher buildings in Dormer Place. The St. Peter's Car Park is a further anomaly, standing taller than other buildings in the street. However, that is an inevitable consequence of its function.

Focusing on the eastern side of the street where the application site is situated, the majority of this is fronted by buildings that are two storey in scale, and this includes a continuous section from No. 47 down to No. 85 (some 130 metres). This side of the street would originally have formed the rear boundaries of the listed buildings that front onto Parade. These Regency townhouses would traditionally have had small scale coach houses fronting onto Bedford Street. The existing low rise nature of this section of the street reflects this historic character. This gives an indication of the historical development of the conservation area, with an interesting contrast with the slightly taller buildings on the opposite side of the street, which is perhaps not surprising given that the western side of the street never formed the rear curtilage of Regency townhouses.

The application site is situated entirely within the continuous low-rise section of Bedford Street. It is separated from the taller buildings at the southern end of the street by a collection of particularly small scale buildings (No. 85 Bedford Street). As a result, the proposed building would dwarf the other buildings in this section of the street, being a full four storeys in height. Not only would the proposed building be taller, but it would also have a significantly greater bulk and mass due to the full four storey height being extended across almost the whole of the plot. When approaching the site from the south along Bedford Street the bulk and mass of the proposed building would be particularly apparent because the substantial flank elevation would be visible above the small-scale buildings to the south of the site.

There are also a number of concerns relating to the detailed design of the building. This includes, firstly, the use of stained brick as the main facing material, which is not in keeping with the existing buildings on this side of the street which are predominantly faced with painted render or painted brickwork. Secondly the ground floor windows do not align with the windows on the upper floor and this gives the building an unbalanced appearance that is at odds with the more regular appearance of other buildings in the street. Thirdly, the proposed entrance does not have sufficient presence for the size of building proposed, having an appearance more akin to that of a side access gate than the main entrance to a large residential block.

Taking the above considerations into account, the conclusion has to be that the proposals would cause significant harm to the character and appearance of the conservation area. This is due to the scale of the building appearing incongruous in relation to the small scale of development in this section of the street, and also due to the scale being at odds with the traditional character of this mews street. The concerns relating to the detailed design of the building add to this harm. This is judged to be "less than substantial harm" in relation to Section 12 of the NPPF. However, the level of harm is considered to be significant, and towards the upper end of this category of "less than substantial harm".

Paragraph 134 of the NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. On the one side of this balancing exercise, a significant level of harm has been

identified. As a result a similarly significant level of public benefits would need to exist to outweigh this harm.

Looking at the potential public benefits, the proposals would contribute to meeting housing needs at a time when the Council are unable to demonstrate a 5 year supply of housing land within the District. Supporters of the scheme have also cited benefits associated with the removal of the existing nightclub. Whilst these benefits do weigh in favour of the development, they do not amount to the type of significant public benefits that would be necessary to outweigh the significant harm that has been identified in this case.

Therefore the proposals are contrary to paragraph 134 of the NPPF and Local Plan Policy DAP8.

It is important to note here that Policy DAP8 should be considered "out of date" under paragraph 49 of the NPPF due to the fact that the Council are currently unable to demonstrate a 5 year supply of housing land. This limits the weight that can be attached to it. However, the proposals are clearly in conflict with paragraph 134 of the NPPF and this alone is sufficient to justify a refusal of planning permission on conservation grounds, particularly considering the weight given to the protection of designated heritage assets by footnote 9 to paragraph 14 of the NPPF. This footnote dictates that the presumption in favour of sustainable development should not apply where a development conflicts with NPPF policies relating to designated heritage assets.

Impact on the setting of the adjacent listed buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

As referred to in the previous section, the application site would traditionally have formed the rear curtilage of the adjacent listed buildings on Parade and would have been occupied by a small-scale mews building. Whilst the existing building on the site is a little larger than other buildings along this side of Bedford Street, it is still significantly smaller than the listed buildings on Parade. Therefore it retains a suitably subservient relationship to the listed buildings, reflecting to some extent the traditional relationship between a mews building and a Regency town house.

In contrast, by reason of its significant bulk and mass, the proposed building would represent a significant intrusion into the setting of the rear of these listed buildings. In terms of overall height, the highest part of the proposed building would be approximately level with the ridge of the listed buildings. This would be significantly higher than the rear eaves line of the listed buildings. Given that this height extends across the full width and depth of the plot, the bulk and mass of the building would be significantly greater than that of the listed buildings. The listed buildings have a 14m deep four storey element, whereas the four storey bulk of the proposed building would be 27m deep.

As a result, it is considered that the proposed building would dominate the setting of the adjacent listed buildings, harming their character and appearance. This is judged to be "less than substantial harm" in relation to Section 12 of the NPPF. However, the level of harm is considered to be significant, and towards the upper end of this category of "less than substantial harm".

Applying the test in paragraph 134 of the NPPF, the public benefits are the same as those referred to in the preceding section of this report. As a result, the balancing exercise in relation to the setting of the listed buildings is similar. The benefits of the scheme do not amount to the type of significant public benefits that would be necessary to outweigh the significant harm that has been identified to the setting of the listed buildings.

Therefore the proposals are contrary to paragraph 134 of the NPPF and Local Plan Policy DAP4.

As with Policy DAP8, it is important to note here that Policy DAP4 should be considered "out of date" under paragraph 49 of the NPPF due to the fact that the Council are currently unable to demonstrate a 5 year supply of housing land. This limits the weight that can be attached to it. However, again as with Policy DAP8, the proposals are clearly in conflict with paragraph 134 of the NPPF and this alone is sufficient to justify a refusal of planning permission on conservation grounds, particularly considering the weight given to the protection of designated heritage assets by footnote 9 to paragraph 14 of the NPPF. This footnote dictates that the presumption in favour of sustainable development should not apply where a development conflicts with NPPF policies relating to designated heritage assets.

Impact on the living conditions of neighbouring dwellings

The main impact in this regard would be on the residential accommodation on the upper floors of the adjacent buildings on Parade (Victoria Chambers and 138 Parade). Looking first at Victoria Chambers, the windows in the rear of those premises that face the application site serve hallways. As a result there are no concerns about loss of light, loss of outlook or loss of privacy for those windows.

There are further rear facing windows in Victoria Chambers that sit alongside the northern boundary of the application site but which do not directly face the site. The proposed building would infringe a 45-degree sight-line in relation to these windows, but this infringement would be at a distance of 8m, and the existing building already infringes a 45-degree sight-line in relation to these windows. Therefore, whilst the impact would be increased due to the increased size of the new building, when the distance from the affected windows is taken into account, as well as the town centre location, it is not considered that the proposals would cause unacceptable loss of light or loss of outlook for these windows.

Turning to the residential accommodation at No. 138 Parade, this building includes a first floor bedroom window facing the rear elevation of the proposed building. This would face directly onto windows in the proposed building at a distance of just 6m. This separation distance is seriously substandard. The Council's Distance Separation SPG requires a separation distance of 27m. In

view of this severely restricted separation distance, it is considered that the proposals would cause unacceptable loss of light, loss of outlook and loss of privacy for the rear bedroom window of No. 138 Parade.

In reaching this conclusion regard has been had to the proposals to obscure glaze the bottom two thirds of the windows in the rear of the proposed development. However, bearing in mind the extreme close proximity of the proposed windows, it is considered that there would still be a significant "perception of overlooking" and general sense of intrusion for occupants of the affected room in No. 138.

Therefore the proposals are considered to be contrary to Local Plan Policy DP2.

Provision of a satisfactory living environment for future occupants of the proposed development

There are a number of areas of concern with the proposed development when it comes to the living environment of future occupants. Firstly, whilst the amendments to the scheme have reduced the number of windows relying on the internal courtyard / lightwell for light and outlook, there remain 3 bedrooms whose only source of light and outlook is this courtyard / lightwell. It is noted that the courtyard has been opened up a little, with a narrow passageway affording some limited views to the front at upper floor level. However, given that these windows would still be enclosed to the front and side by a four storey building, the availability of light and outlook would remain very restricted.

Secondly, the proposed layout includes bedroom windows in the south elevation facing onto the alleyway and the adjacent site to the south. These windows would have a very restricted outlook, particularly those at ground floor level which face directly onto the alleyway and then the brick boundary wall beyond. In addition to concerns about outlook, there are concerns about privacy for these windows because they face directly onto a shared alleyway which is used by occupants of the adjacent buildings. The upper floor windows in this elevation would also have a very restricted outlook if a similar development were to be constructed on the adjacent site to the south.

Thirdly, a large number of the bedroom windows are proposed to be obscure glazed. As a result these rooms would not be provided with a satisfactory standard of outlook. This is a particular concern given the small size of the rooms in question and the fact that occupants are likely to spend more time in the bedrooms than would be the case with bedrooms in a conventional dwelling (due to this being a multiple occupancy development).

Fourthly, the obscure glazing of the lower two thirds of the windows in the rear elevation of the proposed building will not adequately mitigate the impact of overlooking from the windows in Victoria Chambers and No. 138 Parade. This is because the windows in Victoria Chambers and No. 138 Parade would look down into the ground and first floor windows in the rear of the proposed development, allowing views through the upper clear glazed sections of those windows. Given the severely substandard separation distance (6m from Victoria Chambers and 7.5m from No. 138 Parade), the affected bedrooms in the proposed development would not be provided with an appropriate level of privacy.

Fifthly, even if the windows in the rear elevation of the proposed development were to be clear glazed, they would still have a very poor outlook. The applicant has suggested that the Victoria Chambers fire escape will be relocated, but this will only address part of the issue. The rear facing rooms in the development would still have a very restricted outlook onto a 3 storey building at just 7.5m away. The separation from the rear of No. 138 Parade is even closer, at just 3.5m. Add to this the fact that this restricted area contains the bins and other paraphernalia associated with the adjacent commercial and residential premises, and it is clear that this would not provide the type of outlook that is expected by Local Plan Policy DP2. The associated comings and goings in this restricted area would further affect the living conditions of any rooms facing onto it, both due to the lack of privacy and the general intrusion and disturbance that this would cause.

Only part of the area that the rear windows face onto is within the application site and consequently the developer and future operator of the site would have limited control over what happens to this area. The same is true of the Victoria Chambers fire escape. There is no guarantee that this will be relocated because it falls outside of the application site. Consequently the application must be assessed on the basis that the fire escape will remain, in which case it would severely compromise the outlook and privacy for a number of the windows at the rear of the development as its current position is directly in front of proposed windows.

Drawing the above considerations together, it is clear that there are a number of issues with the proposed layout in terms of providing adequate levels of light, outlook and privacy for a significant number of the windows in the proposed development. Therefore the proposals would not provide a satisfactory living environment for future occupants, contrary to Local Plan Policy DP2 and the Council's Distance Separation Guidelines.

Provision for the storage of refuse and recycling

The Council's Waste Management team have advised that 6 x 1,100 litre bins would be required for refuse and recycling for a development of this size. However, the proposed bin store only includes space for 2 such bins. The applicant has suggested that a private refuse and recycling collection service would be arranged to address this issue, but no details of how this would work have been provided. Nevertheless, even if a private collection was accepted as a solution, providing only 2 bins compared to a normal requirement for 6 would still be a very restricted allowance for such a large development. Therefore it has been concluded that the proposals make inadequate provision for the storage of refuse and recycling, contrary to the requirements of Local Plan Policy DP1.

Car / cycle parking and highway safety

The proposals do not include any off street parking. However, the applicant has submitted a unilateral undertaking that will ensure that the site is excluded from the residents' parking zone. Therefore future occupants of the development would not be entitled to residents' parking permits. This will ensure that the proposals do not have an adverse impact on parking in the locality.

The Highway Authority have raised no objection to the application. Therefore the proposals are considered to be acceptable from a highway safety point of view.

With regard to cycle parking, the revised plans indicate that 24 cycle parking spaces will be provided. However, the layout provides insufficient space to accommodate the amount of cycle parking that is indicated. The Council's Parking Standards require an area of 1 square metre per stand and a minimum distance of 1 metre to be maintained between each stand. The proposed layout does not meet these space requirements. Therefore the proposals do not make adequate provision for cycle parking, contrary to Local Plan Policy DP8 and the Vehicle Parking Standards Supplementary Planning Document.

Protection of bats

A bat survey has been carried out and this did not find any evidence of bats using the existing building. WCC Ecology have accepted the findings of the survey. Therefore it has been concluded that the proposals are unlikely to cause harm to bats.

Health and wellbeing

The proposals do not raise any significant implications for health and well-being.

Other matters

The unilateral undertaking submitted by the applicant would secure an open space contribution of £30,144. This would meet the requirements of Local Plan Policy SC13.

If this had been a recommendation for approval then a condition could have been imposed to secure 10% renewable energy production or energy efficiency measures in accordance with the requirements of Local Plan Policy DP13.

SUMMARY/CONCLUSION

The proposals would cause unacceptable harm to the character and appearance of the conservation area and to the setting of the adjacent listed buildings. Furthermore the proposals would cause unacceptable harm to the living conditions of the residential accommodation at No. 138 Parade and would not provide a satisfactory living environment for future occupants of the proposed development. In addition the proposals fail to make adequate provision for cycle parking or for the storage of refuse and recycling. Therefore it is recommended that planning permission is refused.

REFUSAL REASONS

1 Policy DAP8 of the Warwick District Local Plan 1996-2011 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of conservation

areas.

The proposed building would be significantly larger than the existing building on the application site and would have a significantly greater bulk and mass than the buildings to either side in Bedford Street. The site is situated within a distinctive section of Bedford Street that is characterised by small scale development, reflecting the historic character of this part of the conservation area (i.e. this section of Bedford Street being fronted by mews buildings associated with the larger buildings on Parade). The proposed building would dwarf the other buildings in this section of the street and therefore it has been concluded that the proposals would be at odds with the character and appearance of this part of the conservation area.

The detailed design of the proposed building is also considered to be inappropriate for a number of reasons, including the fact that the facing materials are not in keeping with the locality, the fact that the ground floor windows do not align with the upper floor windows and the fact that the proposed entrance does not have sufficient visual presence for the size of building proposed.

For the above reasons it has been concluded that the proposals would cause significant harm to the character and appearance of the conservation area. Whilst there are benefits that weigh in favour of the development, including the contribution towards meeting housing needs, these do not amount to the type of significant public benefits that would be necessary to outweigh the significant harm that has been identified in this case.

Therefore it is considered that the proposals are contrary to the aforementioned policy.

2 Policy DAP4 of the Warwick District Local Plan 1996-2011 states that development will not be permitted that will adversely affect the setting of a listed building.

The application site would traditionally have formed the rear curtilage of the adjacent listed buildings on Parade and would have been occupied by a small-scale mews building. Whilst the existing building on the site is a little larger than other buildings along this side of Bedford Street, it is still significantly smaller than the listed buildings on Parade. Therefore it retains a suitably subservient relationship to the listed buildings, reflecting to some extent the traditional relationship between a mews building and a Regency town house.

In contrast, by reason of its significant bulk and mass, the proposed building would represent a significant intrusion into the setting of these listed buildings, dominating the area immediately to the rear. As a result it has been concluded that the proposals would cause significant harm to the setting of the listed buildings. Whilst there are benefits that weigh in favour of the development, including the contribution towards meeting housing needs, these do not amount to the type of significant

public benefits that would be necessary to outweigh the significant harm that has been identified in this case.

Therefore it has been concluded that the proposals are contrary to the aforementioned policy.

3 Policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. The Council have also adopted Distance Separation Guidelines as Supplementary Planning Guidance.

The adjacent building at No. 138 Parade includes residential accommodation on its upper floors. This includes a first floor bedroom window facing the rear elevation of the proposed building. This would face directly onto windows in the proposed building at a distance of just 6m. This separation distance is seriously substandard. The Council's Distance Separation Guidelines require a separation distance of 27m. In view of this severely restricted separation distance, it is considered that the proposals would cause unacceptable loss of light, loss of outlook and loss of privacy for the rear bedroom window of No. 138 Parade.

Therefore it has been concluded that the proposals are contrary to the aforementioned policies.

4 Policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which does not provide acceptable standards of amenity for future users / occupiers of the development. The Council have also adopted Distance Separation Guidelines as Supplementary Planning Guidance.

There are a number of areas of concern with the proposed development when it comes to the living environment of future occupants. This includes the lack of light and outlook for the bedrooms facing onto the internal courtyard / lightwell and the side alleyway, the lack of outlook for the bedrooms with obscure glazed windows, overlooking from the windows in the rear of Victoria Chambers and No. 138 Parade and the poor outlook for the bedrooms facing onto the shared rear yard. Therefore it has been concluded that the proposals would not provide a satisfactory living environment for future occupants of the rooms in question.

The proposals are therefore considered to be contrary to the aforementioned policies.

5 Policy DP1 of the Warwick District Local Plan 1996-2011 states that development proposals will be expected to demonstrate that they make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste management and minimisation where appropriate) without adverse impact on the street scene, the local landscape or the amenities of neighbours.

The Council's Waste Management team have advised that 6 no. 1,100 litre bins would be required for refuse and recycling for a development of this size. However, the proposed bin store only includes space for 2 such bins. The applicant has suggested that a private refuse and recycling collection service would be arranged to address this issue, but no details of how this would work have been provided. Nevertheless, even if a private collection was accepted as a solution, providing only 2 bins compared to a normal requirement for 6 would still be a very restricted allowance for such a large development. Therefore it has been concluded that the proposals make inadequate provision for the storage of refuse and recycling.

Therefore it has been concluded that the proposals are contrary to the aforementioned policy.

6 Policy DP8 of the Warwick District Local Plan 1996-2011 states that development will only be permitted that makes provision for parking which, amongst other requirements, takes account of the parking needs of cyclists. The Council have also adopted Vehicle Parking Standards as a Supplementary Planning Document.

The proposed plans indicate that 24 cycle parking spaces will be provided. However, the layout provides insufficient space to accommodate the amount of cycle parking that is indicated. The Council's Parking Standards require an area of 1 square metre per stand and a minimum distance of 1 metre to be maintained between each stand. The proposed layout does not meet these space requirements. Therefore the proposals do not make adequate provision for cycle parking.

The proposals are therefore considered to be contrary to the aforementioned policies.

Planning Committee: 06 December 2016 **Item Number:** 9

Application No: W 16 / 1341

Registration Date: 27/07/16
Town/Parish Council: Baginton **Expiry Date:** 26/10/16
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

Land at, Bosworth Close, Baginton, Coventry
Provision of a free school together with two multi-use games areas; primary and secondary school outdoor play space; 28 no. parking spaces; landscaping and security fencing. FOR Baginton Green Ltd

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This application is being presented to Committee as 5 or more representations in support have been received and the application is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reasons stated at the end of the report.

DETAILS OF THE DEVELOPMENT

The application proposes the erection of a free school together with two multi-use games areas; primary and secondary school outdoor play space; 28no. parking spaces; landscaping and security fencing. The school comprises a single and two storey building situated on the northern half of the site. The building has a floor area of 2,149 sq m. The car park will be located towards the north-eastern corner of the site, close to the existing vehicular access from Bosworth Close. The multi-use games areas will be situated to the rear of the school building.

The applicant advises that the proposed school is primarily intended for the teaching of children within the Brethren Fellowship; however, there is no restriction preventing other pupils from attending the school. The Free School has an open admission policy.

The proposed school would replace an existing school (Copsewood School) which is currently split over two separate sites in Coventry. The main catchment areas for the existing schools are Kenilworth, Leamington, Baginton and Coventry.

The application comprises a revised scheme following the grant of planning permission for a school on the adjacent site to the east. The following are the key differences between these revised proposals and that approved scheme:

- the proposed school has been relocated to this adjacent site;
- the proposed building has been increased in size from 1,761 sq m to 2,149 sq m; and
- the number of parking spaces has been increased from 24 to 28.

The proposed school would have the same capacity as the school that was approved on land to the east (i.e. a maximum of 200 pupils).

For completeness, it should also be noted here that, prior to the school being approved on the adjacent site, a previous application for a school on the current site was refused (Ref. W10/1062).

THE SITE AND ITS LOCATION

The application relates to land on the western edge of the village of Baginton. The site is situated within the Green Belt and is currently open uncultivated ground covered by scrub vegetation together with some more significant trees along the site boundaries. The site has previously been used for sand and gravel extraction and was subsequently backfilled with waste, the nature of which is unknown. As a result of past tipping operations, parts of the site are elevated above the level of the surrounding land.

The site is bounded by the Brethren's meeting room to the north and by further scrubland in the ownership of the applicant to the east. The Grade I Listed St. John the Baptist Church and the Bagot's Castle Scheduled Ancient Monument adjoin the southern boundary of the site, while further scrubland adjoins the site to the west.

The Baginton Conservation Area adjoins the southern boundary of the site. The application site also once formed part of the grounds of the former Baginton Hall, which was demolished in the 1920s.

PLANNING HISTORY

The application site and neighbouring land has been the subject of a number of planning applications over the past 30 years. The most relevant of these were applications to erect a new school in 2010, 2013 and 2015.

The 2013 applications were for the erection of a new school on the adjacent site to the east (refs. W13/0391 & W13/1763). The second of these was granted permission.

The 2010 and 2015 applications were for the erection of a new school on the current application site (refs. W10/1062 & W15/1170). The 2010 application was refused for the following reasons:

1. The proposals represent inappropriate development within the Green Belt and no very special circumstances were demonstrated to outweigh the harm to the Green Belt.

2. Harm to the setting of the Grade I Listed Church of John the Baptist and the Baginton Castle Scheduled Ancient Monument.

3. Harm to national planning objectives of creating more sustainable patterns of development and local policies seeking to limit development in the rural area to that which meets a local need.

The 2015 application was withdrawn.

Prior to these recent applications for a school, the application site and neighbouring land was the subject of the following applications:

Planning application (ref: W80/0810) for residential development was refused in 1980 primarily on grounds of conflict with Green Belt Policy. The proposed development was subsequently dismissed on appeal.

Planning application (ref: W85/1179) for residential development including sheltered housing was refused in 1986 primarily on grounds of conflict with Green Belt Policy. The proposed development was subsequently dismissed on appeal.

Planning application (ref: W85/1180) for change of use of vacant land to form extended golf course was granted in 1986.

Planning application (ref: W89/0215) for change of use of wasteland to a holiday caravan park was refused in 1989.

Outline planning application (ref: W91/0438) for erection of a meeting hall with car parking and two access roads was granted in 1991 on the adjacent site to the north.

Planning application (ref. W91/0974) for approval of reserved matters for the erection of a meeting room with car parking for 120 vehicles and construction of two access roads was granted in 1991.

Planning application (ref: W92/1306) for the erection of a clubhouse with car parking, provision of tennis courts, football pitch and bowling green (with shelter) on the adjacent site to the east (including a small part of the application site for access) was refused in 1994 on grounds of its over-intensive use, detrimental impact on residential amenity by reason of late night noise and disturbance generally, loss of trees and impact of traffic movements on dwellings and the proximity of vent pipes close to dwellings. The application was subsequently dismissed at appeal on grounds of inappropriate development in the Green Belt in the absence of any very special circumstances and on unacceptable disturbance to neighbouring residents, with particular reference to the football pitch.

Planning application (ref: W95/1297) for erection of an ancillary single storey clubhouse with car parking for 72 cars,; provision of 3 all weather tennis courts and 2 bowling greens, a two metre close boarded fence surmounted by a 0.5m high trellis fence and additional landscaping provision, including an extension to the existing copse adjacent to Hall Drive and boundary tree planting was refused by the District Planning Authority, but was subsequently allowed on appeal in 1997. This permission primarily relates to the land to the east of the application site but also includes part of the current application site.

Planning application (ref: W01/1681) for variation of condition 1 of pp W95/1297 (time limit) for the erection of a clubhouse with car parking, provision for 3 all weather tennis courts and 4 bowling greens was granted in 2002. A material

commencement of this permission is considered to have taken place as part of the access road which leads off Bosworth Close to the site has been constructed. As a result this permission could be completed at any time. However, should the planning permission for the school on the adjacent site be implemented, then the extant permission for the clubhouse development would be extinguished.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- RAP11 - Rural Shops and Services (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS18 - Regeneration of Lillington (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: No objection, subject to the existing planning permission for a school on the adjacent site being revoked. Also request an authoritative review of both vehicular and pedestrian access and safety in the area to include signage, 20mph speed limits, double yellow lines along Bosworth Close, traffic management, traffic calming and safe pedestrian crossings associated with the school.

Public Response: 5 objections and 9 representations in support have been received. The objectors raise the following concerns:

- there is no significant difference between this application and previous application no. W10/1062 which was refused;
- nothing has changed to indicate that a different decision should be made now;
- the building is substantially larger than the school that was approved on the adjacent site;
- inappropriate development within the Green Belt;
- no very special circumstances to justify the development;
- this will set an undesirable precedent for the development of further Green Belt land;
- increased traffic;
- the Transport Statement is out of date;

- the use of the existing Brethren's meeting hall already causes traffic problems;
- detrimental to highway safety;
- the school will be of no benefit to the village because it is intended for Brethren children who do not live in the village;
- this is not a "Free School", this status has been refused by the Department for Education on a number of occasions;
- adverse ecological impact;
- bringing this number of children into a village location from surrounding cities and towns (and further afield) is unsustainable;
- there is no local need for a school of this size;
- contrary to the Local Plan;
- the proposals will have an adverse impact on the local environment but would be of no benefit to the local community;
- the proposals will upset the balance of village life;
- harm to the setting of the Grade I Listed St. John the Baptist Church;
- harm to the setting of the adjacent Bagot's Castle Scheduled Ancient Monument;
- there are alternative sites outside of the Green Belt that could accommodate the proposed school;
- if permission is granted, little could be done to prevent the school from expanding in the future;
- disturbance of land that is known to be severely contaminated;
- insufficient information regarding the contamination that exists on site and the remediation methods that will be used;
- a new environmental assessment is required due to the nature and extent of the contamination; and
- harm to the character and appearance of the area due to the security fencing.

The supporters make the following points:

- the school will blend in with the surroundings;
- the applicants have gone to great trouble and expense to move the proposal away from houses to accommodate the wishes of villagers and the Parish Council;
- this proposal will tidy up this unsightly land;
- this would be less intrusive than the approved scheme because it will not back onto dwellings;
- the site currently attracts anti-social behaviour and this will be addressed by the proposals; and
- improved security for nearby dwellings.

Conservation Advisory Forum: The proposed re-siting of the school would be harmful to the setting of heritage assets of the highest significance including a Grade I listed Church and a Scheduled Ancient Monument. Concern was also raised about the visual impact of the means of enclosure around the proposed school site.

Historic England: No objection.

Natural England: No objection. Refer to standing advice.

Environment Agency: No comment.

Sport England: Support the application as it provides new sports facilities.

Ramblers Association: Object. The school would be constructed alongside a public footpath and would constitute an unacceptable intrusion into the openness of the Green Belt and would seriously compromise the setting of the adjoining Listed church and Scheduled Ancient Monument. The site where the school has previously been approved is less sensitive, being surrounded on 3 sides by housing and therefore having a far less open aspect.

Warwickshire Wildlife Trust: The ecological information submitted with this application is not sufficient to inform decision making, and does not allow the local planning authority to have due regard for biodiversity at the site.

Coventry Airport: No objection.

WCC Highways: Initially objected due to various concerns including issues relating to the content of the Transport Assessment as well as the adequacy of the parking and drop-off proposals. Following the receipt of further information and amended plans in relation to these matters, advise that this has addressed some of the issues and that conditions could be put in place to address others. However, still raise concerns about the adequacy of the drop-off proposals, which may result in mini-buses queuing back onto the public highway, although note that the site is accessed off a cul-de-sac and therefore any such queuing is unlikely to cause a severe cumulative impact.

WCC Ecology: No objection. The protected species and biodiversity impacts can be resolved through conditions and obligations.

WCC Archaeology: No comment.

WCC Fire and Rescue: No objection, subject to a condition to require details of water supplies and fire hydrants.

WCC Rights of Way: No objection, subject to informative notes.

WCC Landscape Team: Object on the grounds that the proposals will have an adverse impact on the landscape. Point out that the Landscape Sensitivity Study carried out for the new Local Plan identified this area as having a high sensitivity to development. Also point out that development on this land would adversely affect the setting of the church and Bagot's Castle.

WDC Environmental Health: No objection, subject to conditions in relation to contamination, lighting, air quality and noise, including restrictions on the hours of use of the multi-use games areas and a requirement to carry out an acoustic assessment of the multi-use games areas when in use.

ASSESSMENT

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

- Green Belt policy and the impact on the openness and rural character of the Green Belt;
- the impact on the setting of the Grade I listed church, scheduled monument and conservation area;
- the impact on the living conditions of nearby dwellings;
- contamination;
- highway safety;
- car parking;
- drainage and flood risk;
- sustainability; and
- ecological impact.

Green Belt policy and the impact on the openness and rural character of the Green Belt

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with certain exceptions. The erection of a new school does not fall under any of these exceptions and therefore the proposals constitute inappropriate development within the Green Belt.

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF goes on to state that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In making this assessment, it is first necessary to consider the harm that would be caused by the proposals.

The proposals would introduce a substantial building onto a site that currently has no buildings. Whilst the site has been the subject of significant development in the past in the form of mineral extraction and subsequent landfill operations, it is now an open area of land. Therefore the proposals would result in a significant reduction in the openness of this part of the Green Belt. It is clear that the proposals would represent a significant urban encroachment into the countryside, undermining the objectives of Green Belt policy.

At this point it is important to note that a key factor in the justification for the school on the adjacent site was the fact that it was in a location that was more closely related to the main built form of the village, surrounded on three sides by existing built development. This was considered to significantly reduce the harm to the wider rural landscape. Another key factor in that decision was the fact that the school had been reduced in size from 3,000 sq m to 1,761 sq m. That "improvement" has been diluted to some extent with the current proposals due to the increase in size up to 2,149 sq m.

In contrast, the current site would be unrelated to the main form of the village, extending out into open Green Belt to the east of the village. Consequently these proposals would represent a much more significant urban encroachment into the Green Belt than the approved scheme, as was acknowledged when the Council previously refused planning permission for a school on the current application site.

It is now necessary to consider whether the applicant has demonstrated very special circumstances to outweigh the conflict with Green Belt policy and the harm to the openness and rural character of the Green Belt. The applicant has put forward the following very special circumstances in support of the proposals:

- the NPPF states that great weight should be given to the need to create, expand and alter schools;
- there is an urgent need for a new school because the existing facilities are cramped, outdated and wholly inadequate, as confirmed by inspections by the School Inspection Service;
- one of the existing school sites is operating under a temporary planning permission;
- there is an absence of suitable and available alternative sites to deliver the school;
- the applicant has been searching for an alternative site for 7 to 8 years without success;
- provision of a wider choice of school places;
- remediation of a contaminated site and restoration from a despoiled and derelict wasteland;
- ecological benefits arising from new tree and shrub planting and the provision of a Landscape and Ecological Management Plan for the land to the east of the site, including provision for a grass snake sanctuary; and
- there is a clear preference from the local community for the school to be located on this site rather than the approved site to the east (as evident in the consultation response from the Parish Council).

The applicant has also advised that they propose to make a contribution of £75,000 for capital improvements to the Millennium Field or some other appropriate form of community benefit within the Parish involving capital improvement works. This could be secured by a Section 106 agreement or Unilateral Undertaking.

When assessing the very special circumstances that have been put forward by the applicant, it is important to have regard to any changes in circumstances since the 2010 application was refused that might affect this assessment. In this regard the main change of circumstances are that the revised proposals would cause slightly less harm to the Green Belt (due to the reduction in size from 3,000 sq m to 2,149 sq m) and that the National Planning Policy Framework has been introduced since that previous decision.

Insofar as is relevant to the consideration of the current proposals, the provisions relating to Green Belt remain largely unchanged in the NPPF compared with the relevant policies in 2010 (PPG2). However, in relation to schools development, Paragraph 72 of the NPPF sets out a new emphasis on supporting the creation of new schools. In assessing the 2010 application,

regard was had to the previous government planning policy relating to schools, i.e. the August 2011 policy statement "Planning for Schools Development". The 2010 proposals were not for a Free School or a state-funded school and therefore it was determined that the August 2011 policy statement did not apply to the assessment of that scheme. However, the NPPF differs in that the support for new schools applies to schools in general and not just Free Schools or state-funded schools. In any case, the current proposals are now for a Free School and therefore the August 2011 policy statement would now be applicable.

Paragraph 72 of the NPPF states that "the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted."

Either way, whether it be the introduction of the NPPF, or the change in eligibility for the proposals to be considered under the August 2011 policy statement (i.e. as a Free School), there has been a significant change in the balance of policies that the application must be assessed against. Whilst this does not override the strict policy governing development within the Green Belt, it does introduce some more compelling policy support for the proposals that can add to the very special circumstances.

Another change since the 2010 application is that the applicant is now proposing to provide an appropriate form of community benefit for the village.

Balanced against this, there have been another change in circumstances since the 2010 application was considered that now adds further weight to the arguments against the development. This relates to the fact that a suitable alternative site has now been found for the school, i.e. the land to the east of the current site. Whilst this too is within the Green Belt, it is a less sensitive site in terms of Green Belt impact. Therefore less weight can now be attributed to the lack of alternative sites than was given in assessing the 2010 application and the 2013 application.

Having considered the assessment of very special circumstances that was carried out in relation to the 2013 application, it is apparent that the difference in the current proposals in terms of the relocation of the school to a more sensitive site and the increase in the size of the school would result in a significant change in the balance of the assessment. In the first instance, the harm would be increased. Balanced against this, the very special circumstances are now less compelling given that a less harmful site is available for the school. Therefore it is concluded that the conflict with Green Belt policy and any other harm is not outweighed by very special circumstances. As a result, the proposals would be contrary to the Green Belt provisions of the NPPF.

Another point to note is that an approval for a school on the current site would leave the adjacent site as a small area of Green Belt surrounded by development on 4 sides. This may make it harder for the Council to resist future development on that site.

Impact on the setting of the Grade I listed church, scheduled monument and conservation area

The school now proposed would be larger and sited a lot closer to the Grade I listed church, scheduled monument and conservation area than the scheme that was approved under the 2013 application. However, it would be smaller and sited slightly further away than the 2010 proposal that was refused. Furthermore, the applicant has engaged with Historic England to seek to address the concerns that they had with the previous scheme on this site.

Having considered the further details contained within the current application, and following a site visit to assess the impact of the proposals, Historic England have now advised that they consider that this revised scheme would have a "less than substantial impact upon the setting of the heritage assets". On that basis Historic England have advised that they are content for the proposed development to be granted planning permission. There has also been no objection from WCC Archaeology this time around.

In view of the above, the harmful impact of the current scheme must be viewed as significantly reduced compared to that of the previous proposals for this site. Whilst the Historic England advice is that this still amounts to a harmful impact, this would be "less than substantial harm" which would fall to be considered under Paragraph 134 of the NPPF.

In considering this harm, it is important to note that the substantial school building and associated areas of car parking, multi-use games areas and security fencing would intrude into what is currently an entirely undeveloped setting to these heritage assets. It is also important to bear in mind that this includes heritage assets of the highest significance nationally (Grade I listed and a scheduled monument) and that they have a particular significance for the history and character of Baginton and the surrounding area.

Paragraph 134 of the NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In undertaking this balancing exercise, it is first important to note that within this category of "less than substantial harm" there are varying degrees of harm, from very minor negative impacts to serious harmful impacts. Given the comments of Historic England, the level of harm in the current case is considered to be towards the lower end of the scale of "less than substantial harm", i.e. a relatively small amount of harm.

Regard should also be had to Paragraph 132 of the NPPF, which 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. The more important the asset, the greater the weight should be.

In this case the development would impact on heritage assets of the highest significance (a Grade I listed building and a scheduled monument).

So on the one half of the balancing exercise required by Paragraph 134 of the NPPF the proposals would cause a small amount of harm to heritage assets of the highest significance. This harm is significantly less than for the scheme that was refused in 2010. As the harm is now more limited, it would take a lesser weight of public benefits to outweigh this harm.

Turning to the public benefits, these are similar to the very special circumstances that were outlined in the preceding Green Belt section of this report. This includes the urgent need for a new school and the support that the NPPF provides for new schools. In considering these benefits it is important to note that the harm to the setting of the heritage assets would be significantly less than the harm that has been identified in relation to Green Belt policy. As a result the fact that the benefits cited by the applicant have not been judged to amount to very special circumstances in relation to Green Belt policy does not mean that they cannot represent sufficient public benefits to outweigh the harm to the setting of the heritage assets. Bearing in mind the limited extent of this harm (as advised by Historic England) it is considered that this limited harm is clearly outweighed by the benefits cited by the applicant. Therefore the proposals are considered to comply with the test in Paragraph 134 of the NPPF.

Impact on the living conditions of nearby dwellings

The current application site is further from nearby dwellings than the 2013 proposals. Those proposals were deemed to have an acceptable impact on the adjacent dwellings. The current proposals are likely to have less of an impact given the increased distance and therefore it has to be concluded that the impact on neighbouring dwellings would remain acceptable.

Contamination

There is significant contamination across the site. However, Environmental Health are satisfied that suitable measures can be implemented that would provide adequate remediation for the proposed use as well as preventing the migration of contamination off site. Therefore the proposals are considered to be acceptable from a contamination point of view, subject to conditions to require a full ground investigation to be carried out and remediation measures to be submitted for approval.

Highway safety

In terms of highway safety, the proposals would have a similar impact to the scheme that was approved on the adjacent site in 2013. The development now proposed would use the same access onto Bosworth Close and pedestrians and vehicles travelling to and from the site would use the same roads and footpaths in the surrounding area. The current proposals would also have the same highways impact as the 2015 application for a school on the same site. WCC Highways raised no objection to either of those schemes.

WCC Highways did initially object to the current application, but the applicant has submitted further information and amended plans to address most of these issues, and WCC Highways have advised that most other issues could be addressed by conditions. WCC Highways have one outstanding concern relating to the potential for mini-buses to queue back onto the public highway while dropping off / picking up pupils. However, they note that the site is accessed off a cul-de-sac and therefore that this is unlikely to cause a severe cumulative impact.

The cul-de-sac in question (Bosworth Close) accesses a number of dwellings and service roads at its northern end, near to its junction with Mill Hill. Beyond there, the final 100 metres of the cul-de-sac only accesses the Brethren's Meeting Room and the site of the proposed school. The Meeting Room is not used at the same times as the proposed school and therefore, even if the mini-buses did queue back into Bosworth Close, this is unlikely to cause significant highway safety issues because there would be no conflict with other uses.

It is also important to note on this issue that neither the Highway Authority nor the District Council raised any highway safety concerns with the previous proposals for a school on this site or the adjacent site. There have been no material changes in circumstances relating to the site or surrounding roads that would indicate that a different decision should be reached on this issue now. Having previously determined that a scheme with a very similar highway impact was acceptable the District Council may be liable for an award of costs at a subsequent appeal if permission were to be refused on these grounds now. Therefore it has been concluded that the proposals remain acceptable in terms of highway safety.

Car parking

The Council's Vehicle Parking Standards SPD states that 2 spaces are required per classroom for staff and visitors plus facilities for picking up and setting down children or as determined by the Travel Plan and that provision should also be made for the set down and picking up of children by coach and bus, on or off-site, as appropriate. The proposed plans show the provision of 11 classrooms and 28 car parking spaces. Therefore the proposals include suitable parking provision in accordance with the Parking Standards. This includes adequate provision for the set down and picking up of children, which is intended to be undertaken largely by a fleet of mini-buses.

Drainage and flood risk

A Flood Risk Assessment has been submitted with the application and this concludes that the development would be located within Flood Zone 1 and would not be at unacceptable risk of flooding. The drainage system will be designed to ensure that surface water run-off from the site will not exceed green field run-off rates. Therefore the proposals are considered to be acceptable in terms of flood risk and surface water drainage, subject to a condition requiring full drainage details.

Sustainability

In terms of sustainability, the impact of the proposed development would be similar to the impact of the school that was approved on the adjacent site. That was considered to be acceptable in sustainability terms and there is no reason to reach a different conclusion on this similar scheme on an adjacent site. A condition could be imposed to secure the implementation of a Green Travel Plan.

Ecological impact

The site is surrounded by a number of Local Wildlife Sites and a Local Geological Site. There are records of badgers, grass snake and bats on or adjacent to the site. The mosaic of habitats on the site provides ideal opportunity for these protected species.

The applicant has submitted a Reptile Mitigation Strategy. This includes on-site mitigation as well as off-site mitigation on land to the east of the current application site that is in the same ownership. The County Ecologist has considered the proposed mitigation strategy and has raised no objection to the application, subject to a condition to require the submission and implementation of a scheme for on-site and off-site habitat and species mitigation and enhancement measures.

For the above reasons it is considered that the proposals would have an acceptable ecological impact.

Other matters

A condition could require the submission and implementation of a scheme for on-site renewable energy production or energy efficiency measures. This would meet the requirements of Local Plan Policy DP13.

There has been no objection from the County Archaeologist and therefore the proposals are considered to be acceptable from an archaeological point of view. The site is unlikely to be of archaeological interest due to the significant mineral extraction and landfill operations that have taken place in the past.

SUMMARY/CONCLUSION

The proposals represent inappropriate development within the Green Belt and would cause a significant reduction in the openness of the Green Belt. The very special circumstances that have been cited by the applicant are not sufficient to outweigh the conflict with Green Belt policy or the harm to the openness of the Green Belt. Therefore it is recommended that planning permission is refused.

REFUSAL REASONS

1 The site is situated within the Green Belt to the west of the village of Baginton. Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with certain exceptions. The erection of a

new school does not fall under any of these exceptions and therefore the proposals constitute inappropriate development within the Green Belt. Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The proposals would introduce a substantial building onto a site that currently has no buildings and consequently would result in a significant reduction in the openness of this part of the Green Belt. The proposals would represent a significant urban encroachment into the countryside, undermining the objectives of Green Belt policy. In the opinion of the local planning authority, the very special circumstances that have been cited by the applicant are not sufficient to outweigh the conflict with Green Belt policy or the harm to the openness of the Green Belt.

The proposals are therefore considered to be contrary to the aforementioned policies.

Planning Committee: 06 December 2016 **Item Number:** 10

Application No: W 16 / 1740

Registration Date: 27/09/16
Town/Parish Council: Kenilworth **Expiry Date:** 22/11/16
Case Officer: Ian Lunn
01926 456527 ian.lunn@warwickdc.gov.uk

Victoria Lodge Hotel, 180 Warwick Road, Kenilworth, CV8 1HU
Change of use from guest house to 11 bedroom HMO (Sui Generis) FOR Mr Currie

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This application is being presented to Committee because of the number of objections that have been received.

RECOMMENDATION

The Planning Committee are recommended to grant planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to change the use of the property from a guest house to an 11 bed House in Multiple Occupation. No external alterations are proposed.

THE SITE AND ITS LOCATION

Victoria Lodge Hotel is a substantial two storey property constructed of a combination of brick and render under a pitched slate roof. The building is currently used as a guest house. It is located approximately 35 metres south of the junction of St. John's Street and Warwick Road in an area of mixed commercial and residential uses. The site is situated within the Kenilworth Conservation Area.

PLANNING HISTORY

This building has been the subject of previous planning history but none that is considered specifically relevant to the consideration of this proposal.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection, however, raised concern over the loss of another hotel.

WCC Highways: No objection. The HMO will generate fewer vehicular movements to and from the premises than the existing guest house and the proposal makes adequate provision for associated 'off street' parking. The building is sustainably located on a bus route close to local shops and facilities.

WCC Ecology: No objection provided that the proposals do not involve any alterations to the roof of the building.

WDC Green Space Team: Consider that the development will put added pressure on existing open space both locally and within the wider District. The developers should therefore be required to make an agreed financial contribution as part of any approval which will be used to develop local open space within 500 metres of this site (probably at Abbey Fields and/or Bates Memorial Field).

Private Sector Housing: This application would create a licensable HMO. Comments have been made with respect to internal layout arrangements, but these matters can be adequately controlled at licensing stage.

Public Response: Six letters of objection have been received in respect of this proposal on the following grounds:

a) An approval of this proposal would not be in the best interests of highway safety. The scheme makes inadequate provision for the associated 'off street' parking of vehicles and consequently will lead to 'on-street' parking on the surrounding roads. It will also lead to increased congestion on a road network that is already unable to cope with existing traffic levels,

b) The level of light currently received by neighbouring properties would be adversely affected by the enlargement of the property,

c) An unacceptable level of noise would be caused by the new use,

d) The development would exacerbate existing drainage problems in the area,

e) An HMO would attract undesirables, and

f) There are already too many HMO's here. The addition of another would further erode the character of the area.

The applicant has also submitted an e-mail in support of their application in which they state:-

a) The HMO will benefit from adequate 'off street' parking and turning facilities. These are already available to the front of the building and in the form of three garages located to the rear off Whites Row,

b) It is not intended to enlarge the building as part of this proposal, and

c) The new use should not generate a significantly greater level of noise than that generated by the guest house.

The main issues to consider when deciding this application are:-

- Principle
- Design/Scale
- Impact on amenity of occupiers of neighbouring properties and whether the proposed development would provide adequate living conditions for future occupiers
- Parking/ Highway Safety
- Renewables
- Other Issues

Assessment

Principle

Policy H6 of the Emerging Local Plan relates to proposals for Houses in Multiple Occupation. It is considered that this proposal will meet the requirements of this policy for the following reasons:-
a) No more than 10% of the dwelling units within a 100 metre radius of these premises will be in use as a HMO if this application is approved despite concerns to the contrary. There is currently only one other property within this radius that is known to be in use for this purpose.

b) The application premises are located in a sustainable location on a main thoroughfare (Warwick Road) within 400 metres walking distance of a bus stop and in close proximity to Kenilworth Town Centre.

c) An approval of this proposal will not lead to a continuous frontage of three or more HMOs, nor will it lead to any dwelling being sandwiched between two HMOs, and

d) There is space within the confines of the property for the satisfactory and secluded storage of refuse, and for refuse containers to be moved externally from that point to the refuse collection point. The applicant has indicated that they intend to use the enclosed area to the rear of the building for storage purposes with the refuse subsequently collected from Whites Row as it is now. Access from the former to the latter is to be gained through a gate in the rear boundary wall.

In view of the above the proposal is considered to be acceptable in principle.

Design/Scale/Impact on Conservation Area

The proposal will have no significant impact upon the character and appearance of the Conservation Area as no external alterations, other than the formation of a new rear facing door at ground floor level, are proposed to the building.

Amenity

It is not envisaged that an eleven bedroom HMO is likely to generate significantly more noise than the existing use as a 10 bedroom guest house. Consequently, it is contended that allowing it to be so used is unlikely to harm the amenities of neighbouring residents despite concerns to the contrary. The Health and Community Protection - Environmental Sustainability Section have considered the proposal and whilst having some essentially non-planning related concerns (as outlined in the 'Representations' section above) they do not raise any concerns about potential noise nuisance.

It is not proposed to enlarge the building in the course of its conversion despite the assertion of one local resident. Consequently the development will have no effect upon the level of light currently received by neighbouring properties.

It is not envisaged that the proposal will give rise to unacceptable overlooking of neighbouring properties either over and above any that may currently be occurring. It is not proposed to alter the existing window arrangement and the internal layout is to remain largely unchanged. Most of the windows, in any case, either directly face Whites Row to the rear or Warwick Road to the front.

The proposal is considered to provide adequate living conditions for future occupiers of the development.

Parking/ Highway Safety

A development of this nature requires a minimum of six 'off street' car parking spaces in accordance with the Council's adopted Vehicle Parking Standards SPD. Six parking spaces are already available on the surfaced parking area to the front of the building. In view of this it is considered, despite concerns to the contrary, that the proposal will satisfy the requirements of the Council's adopted Vehicle Parking Standards SPD and that a satisfactory level of 'off street' parking will be available to serve the development.

The current parking layout to the front of the building allows for the satisfactory 'on-site' turning of cars thus allowing them to safely enter Warwick Road in a forward gear. Additionally, the property currently benefits from what is considered to be a satisfactory vehicular access to/from Warwick Road and this is to be retained unaltered.

Concern has been expressed by some local residents that the proposal will exacerbate existing problems of congestion on the surrounding road network. However, it is contended that a use of this nature is unlikely to generate more vehicular movements to and from the site than the existing guest house. Consequently this is not accepted.

In view of the above, and as this property is located in a sustainable location on a bus route and in relatively close proximity to the Town Centre, the proposal is considered to be acceptable in highway safety terms. There has been no objection raised by the Highways Authority.

Renewables

The proposed use would not result in a material increase in the energy demand of the building and therefore it is considered that a requirement for renewables or a fabric first approach in accordance with Policy DP13 and the associated SPD would not be appropriate.

Other Issues

The concerns expressed by the objectors to the proposal have largely been considered earlier within the report. Further concerns have been raised about the effect of the development upon local drainage, the loss of a hotel and about the nature of the future occupants of the premises. However:-

a) It is not envisaged that an eleven bed HMO will place a significantly greater strain effect on the existing drainage system than an eleven bed guest house,
b) Policy CT3 of the Draft Local Plan seeks to protect visitor accommodation within the town centres. However, the application site is not located within the Kenilworth Town Centre boundary and therefore this policy does not apply.

c) The nature of the future occupiers of the HMO's can not be controlled under the planning system.

Summary/Conclusion

The proposal is considered to be in accordance with the requirements of Policies DP1, DP2, DP3, DP8, DAP8 and DAP9 of the Warwick District Local Plan 1996-2011; Policy H6 of the emerging Warwick District Local Plan 2011 - 2029 and the provisions of the National Planning Policy Framework. The proposed use is considered to be in accordance with the requirements of National and Local planning policy. Furthermore, it is contended that it will not adversely impact upon the character and appearance of the Conservation Area, the amenities of neighbouring properties or that it will give rise to any highway safety concerns.

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 in strict accordance with the details shown on the plans entitled 'Site Plan/Block Plan' and the Existing Floor Plans received by the Local Planning Authority on 27th September 2016, and the Proposed Floor Plans, received on 22nd November 2016. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DP3, DAP8 and DAP9 of the Warwick District Local Plan 1996-2011.

3 The development hereby permitted shall not commence unless or until a scheme for the provision or improvement of open space (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning

Authority. The development hereby permitted shall not be occupied until the scheme so approved has been implemented. **REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

4 The parking spaces shown on the Proposed Ground Floor Plan, received on 22nd November 2016, shall be marked out as shown on that plan before the development hereby approved is first occupied. Those spaces shall thereafter be retained at all times solely for the parking of vehicles in conjunction with the approved HMO, and the associated turning areas and access serving the site shall be retained at all times solely for the associated 'on-site' turning of vehicles and to allow those vehicles access to and from the site. **REASON:** To ensure the provision of adequate off-street car parking facilities in the interests of highway safety in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011.

5 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 DP1 of the Warwick District Local Plan 1996-2011.

Planning Committee: 06 December 2016 **Item Number:** 11

Application No: W 16 / 1744

Registration Date: 22/09/16
Town/Parish Council: Warwick **Expiry Date:** 17/11/16
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Land adjacent to 19 Pickard Street, Warwick, CV34 4PT
Proposed erection of one dwelling FOR Mr Ian Whitfield

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for the erection of a two storey, semi-detached, four bedroomed dwelling. The development provides two off street car parking spaces and a rear patio / veranda area. The scheme has been amended slightly to include the veranda area which was previously habitable accommodation which provides additional amenity space.

The scheme has been amended from the previously withdrawn application (W/16/1216 for the erection of two dwellings) to reduce the number of proposed dwellings, provide adequate off street car parking and introduced a gate to the northern boundary of the site to allow access to the road to ensure that waste can be easily removed from the site without compromising highway safety.

THE SITE AND ITS LOCATION

The application relates to a parcel of land to the north of 19 Pickard Street which currently benefits from a single storey garage / storage building. There is an existing vehicular access to the site from Avon Street, and the proposed dwelling would front onto Pickard Street, adjoining Number 19. The existing street scene and wider area is characterised by a mixture of traditional Victorian terraces, semi-detached 1970s dwellings and a more recent apartment block. The prevailing material within the street scene is brick, however, there are a mixture of colours of bricks and also some smooth coated render.

PLANNING HISTORY

W/16/1216 - application withdrawn for the proposed erection of two dwellings.

W/03/0680 - application granted for the erection of a detached dwelling and garage.

W/81/1243 - application granted for the erection of a dwelling and garage.

W/78/1156 - application granted for the erection of a detached dwelling and garage.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)

- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection for same reasons as the previous application which were: overdevelopment of the site and insufficient parking.

Open Space: No objection, requests contribution of £2,512 towards local open space improvements.

WCC Highways: No objection, subject to conditions.

Contract Services: No objection, subject to storage space for 2 x wheelie bins and recycling boxes and bags.

WCC Landscape Team: No objection, the timber fence to the northern boundary should be replaced with brick wall with coping to reflect the rear of properties opposite which back on Pickard Street.

WCC Ecology: No objection, subject to conditions

Public Responses: There have been a number of public objections and a petition submitted with over 100 signatures to the proposed development. Public concern focuses on the impact which the development would have on parking within the local area and loss of parking serving 19 Pickard Street as a result of the proposed dwelling.

Other issues raised include:

- The proposed dwelling is considered to be overdevelopment of the site and is not in keeping with the neighbouring street scene of terraced Victorian properties.
- The development will result in a loss of light and overlooking to neighbouring residential properties.
- Concern regarding hazardous substances within the garage fabric which could pose danger to health when removed.
- Queries as to whether there is sufficient space between the proposed dwelling and pavement, and that the windows may open outward, causing an obstruction to pedestrians.
- Concern regarding the size of the outside amenity space and health and safety risks.
- Concern regarding the access for builders to carry out the works and where they will park vehicles, and noise and disturbance caused by the works.

ASSESSMENT

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

- The Principle of the Development

- The Impact on the Character and Appearance of the Area
- The Impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Sustainability
- Ecological Impact
- Waste Storage
- Open Space
- Health and Wellbeing
- Other Matters

The Principle of the Development

As the development is located within the confines of the urban area, the proposal is considered to comply with Local Plan policy UAP1. However, this policy has to be considered as out of date as the Council cannot provide a 5 year housing land supply. However, so long as any adverse impacts resulting from the proposed development are significantly and demonstrably outweighed by the benefits, the development is still considered to meet the sustainability aims of the NPPF, which will be assessed below. Furthermore, there have been a number of previous planning permissions granted for the erection of a dwelling on this site, as recently as 2003 under the adopted Local Plan.

Design

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, Warwick District Council's Local Plan 1996 - 2011 policy DP1 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. Finally, the Residential Design Guide 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 importance features; respecting the surrounding buildings and using the right materials.

There have been a number of objections to the proposed development, including the Town Council who consider that the proposal represents overdevelopment of the site and that the development is not in keeping within the street scene. There are similar sized plots within the wider area, with similar sized amenity areas. Therefore, so long as the development is considered to be appropriate and not harmful to the street scene or wider area, the proposal is not considered to represent overdevelopment of the application site.

The existing street scene benefits from a wide variety of style and age properties and the application property attempts to replicate some of the traditional features from the Victorian terraces, which are considered to have most architectural merit. The proposed dwelling will have traditional curved arches above the windows and a brick dentil course which provides an appropriate and sensitive design.

The WCC Landscape Team have requested that the timber fence to the northern boundary of the site should be replaced with a brick wall with a coping stone to reflect the rear of properties opposite which back on Pickard Street. However, owing to the varied nature of the street scene, this was considered unreasonable to request.

The proposed design is considered to respect the street scene, using appropriate materials and is of an appropriate scale and mass. There are other properties which are positioned on the corner of the street adjacent to the pavement, so the proposed development will not appear incongruous. The proposed design is considered to be acceptable and the proposal is considered to conform with the NPPF, Local Plan policy DP1 and the Residential Design Guide.

The Impact on the living conditions of nearby dwellings

Warwick District Local Plan policy DP2 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 provides a framework for policy DP2, 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 nearest front or rear facing habitable room of a neighbouring property.

There have been objections from members of the public who have concerns regarding loss of light and privacy as a result of the proposed development. They also express concerns that the amenity space provided is not adequate for the future occupiers of the proposed dwelling.

However, as there have been no material changes at the site or changes to policy which would affect the assessment of the application, and as the impact on neighbouring residential amenity was considered to be acceptable in 2003 for a broadly similar proposal, it is considered that there would be no harm caused to neighbouring residential properties to the west and north of the site.

The two storey wing at the rear of the proposed dwelling is an additional feature which would bring the rear of the property closer to the properties to the rear of the site. However, there would still be a greater distance between the application property and 46 Avon Street, than between the rears of 19 Pickard Street and 48/50 Avon Street. Whilst the minimum distance separation guidance cannot be achieved at this site, owing to the relationship between 19 Pickard Street and the

properties to the rear, which is next door to the application site, and the fact that the proposal is not significantly different to the previously approved scheme in 2003, it is not considered that the harm would be so significant as to warrant the refusal of the application.

As amended, the proposal is considered provide adequate internal living conditions, outlook and external amenity space for the proposed dwelling. The external amenity space has been increased in size to provide a veranda area and permitted development rights will be removed for extensions and alterations to the dwelling to ensure that further development of the site would not reduce the size of the amenity space provided.

The proposed dwelling is considered to have an acceptable impact on neighbouring residential amenity and provides adequate amenity for the future occupiers of the dwelling. The proposal is considered to comply with the NPPF, Local Plan policy DP2 and the Residential Design Guide.

Car Parking and Highway Safety

There have been a number of objections to the proposed development and the impact which the proposed dwelling would have on vehicular and associated pedestrian safety. There are also concerns that the proposed development would remove the parking provision for 19 Pickard Street, thus increasing demand for parking on street which is at capacity.

The case officer has been provided with the Title Deeds for the application site which was clearly registered as a separate piece of land from 19 Pickard Street in 1970. It has also been confirmed in writing from the agent that 19 Pickard Street has never been used the site for off street parking. Therefore, there will be no loss of parking for 19 Pickard Street as a result of the proposed development.

WCC Highways have been consulted regarding the application and have no objection to the proposed development. Their concerns regarding the previous application for two new dwellings (W/16/1216 - withdrawn) have been overcome by the amended proposal, and they propose a number of conditions to ensure that the development poses no danger to highway safety. This includes the submission of a Construction Management Plan prior to commencement of works on site to ensure that the works will be carried out without detrimentally impacting on the highway, which is a concern raised by members of the public.

WCC Highways acknowledge that an increase in the number of bedrooms serving the property to provide a HMO would increase the demand for parking, which is also a concern expressed by members of the public as there is no space within the site for additional parking. They have therefore suggested that permitted development rights are removed which prevent the dwelling being converted to a HMO which will be implemented.

It is considered that there would be no harm to vehicular or pedestrian safety which would warrant the refusal of the application and the development provides

adequate off street parking which is an accordance with the Council's Vehicle Parking Standards.

Sustainability

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO^2 production through a fabric first approach would be appropriate. The agent has submitted a document explaining that a fabric first approach towards construction methods will be used, and that an air source heat pump could be used to provide renewable energy to the property if required. Whilst there are some basic calculations provided in the document, it is unclear whether the fabric first approach would provide the Council's required energy saving. A condition will therefore be imposed to ensure that the required level savings are achieved.

Ecological Impact

WCC Ecology have commented on the proposed development and request that bat and bird notes are attached to any approval granted. Furthermore, they also request a condition requiring the provision of a scheme for bat and nesting bird boxes which will be implemented.

Waste Storage

Contract Services have commented on the application and request that storage is provided for 2 x wheelie bins and recycling boxes and bags. This has been accommodated in the rear amenity space and as there is a gate to access the main road from the rear yard, the waste storage is considered to be acceptable.

Open Space

Open Space have requested a contribution of £2,512 towards local open space improvements. They have identified St Nicholas Park as having several development objectives in need of funding which the contribution will be put towards. Whilst no information has been provided in reference to this request, the contribution can be secured by condition which will be implemented.

Health and Wellbeing

Members of the public have raised concerns regarding hazardous substances within the existing garage / storage building fabric which could pose danger to health when removed. These concerns are acknowledged, but will be addressed through separate legislation should planning permission be granted.

Other Matters

Another concern raised by members of the public is that the property could be converted into a HMO which is not supported. As previously mentioned, permitted development rights will be removed which restrict the conversion of the property into a HMO, and this concern is considered to have been overcome.

There has been a query raised whether there is sufficient space between the proposed dwelling and pavement, and that the windows may open outward, causing an obstruction to pedestrians. However, this is the same relationship which the property next door and many other properties have with the pavement, and is not considered to represent a reason for refusal of the application.

Finally, other concerns raised includes the noise and disturbance caused by the works to construct the development. However, this is not a material planning consideration and cannot be assessed as part of this application.

CONCLUSION

The proposed four bedroom dwelling will provide additional housing and is considered to be of an acceptable design. Sufficient off street parking has been provided and it is considered that there would be no harm to the living conditions of the occupiers of neighbouring properties, or highway safety which would warrant reason for refusal of the application. The application should therefore be approved.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 5155 / 03 A and 5155 04 A, and specification contained therein, submitted on 9th November 2016. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

4 No part of the development hereby permitted shall be commenced until a scheme for the provision of bat and bird boxes to be erected on buildings 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:** In accordance with NPPF, ODPM Circular 2005/06.

5 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

6 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles. The Development shall be carried out in strict accordance with the approved Construction Management Plan. **REASON:** To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011.

7 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District

Local Plan 1996-2011.

8 The proposed site shall be laid out and constructed in general accordance with drawing no. 5155/03 A. **REASON:** To ensure that there are adequate off street parking provision is made for the development hereby permitted, in accordance with Policy DP8 in the Local Plan and the Council's adopted Supplementary Planning Document on Vehicle Parking Standards.

9 The access to the site for vehicles shall not be used unless the public highway footway crossing has been widened, laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety and to satisfy Policy DP6 in the Warwick District Local Plan 1996-2011.

10 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for its whole length as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety and to satisfy Policy DP6 in the Warwick District Local Plan 1996-2011.

11 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 further development shall take place within the curtilage of the dwellinghouse hereby permitted which falls within Part 1 Classes A, B, D, or E or Part 3, Class L. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties and to ensure that adequate parking is maintained at all times it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.