Planning Committee

Tuesday 20 June 2017

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 20 June 2017 at 6.00pm.

Councillor Cooke (Chairman)
Councillor Day (Vice Chairman)

Councillor Boad	Councillor Mrs Hill
Councillor Mrs Bunker	Councillor Morris
Councillor D'Arcy	Councillor Mrs Stevens
Councillor Edgington	Councillor Weed
Councillor Heath	

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**

(a) To confirm the minutes of the Planning Committee of 25 April 2017. **(Item 4a/Page 1)**

(b) To confirm the minutes of the Planning Committee of 26 April 2017. **(Item 4b/Page 1)**

(c) To confirm the minutes of the Planning Committee of 23 May 2017. **(Item 4c/Page 1)**

(d) To confirm the minutes of the Planning Committee of 24 May 2017. **(Item 4d/Page 1)**

Part B – Planning Applications

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

5. **W/16/1233 – 19 Kenilworth Road, Royal Leamington Spa** **(Pages 1 to 16)**
**** Major Application****

6. **W/16/2356 – Grove Farm, Harbury Lane, Bishop's Tachbrook** **(Pages 1 to 8)**
****Major Application ****

7. **W/17/0395 – University of Warwick, Land to West of Gibbet Hill Road, Coventry** **(Pages 1 to 23)**
**** Major Application ****

8. **W/17/0440 – Land off Bremridge Close, Barford** **(Pages 1 to 21)**
****Major Application****

9. **W/17/0521 – 31 Heathcote Road, Whitnash** **(Pages 1 to 4)**

10. **W/17/0627 – Wimsley, 30 Southam Road, Radford Semele** **(Pages 1 to 5)**

11. **W/17/0637 – 12 Park Road, Royal Leamington Spa** **(Pages 1 to 10)**

12. **W/17/0645 – 28 Miranda Drive, Warwick Gates, Warwick** **(Pages 1 to 3)**

13. **W/17/0686 – Lodge Farm House, Westwood Heath Road, Coventry** **(Pages 1 to 10)**

14. **W/17/0710 – 88 Westlea Road, Royal Leamington Spa** **(Pages 1 to 6)**

15. **W/17/0809 – Baginton School (Lucy Price Schoolrooms), Church Road, Baginton** **(Pages 1 to 13)**

Part C – Other matters

16. **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 12 June 2017

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 25 April 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Committee Services Officer – Miss Cox; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mrs Darke; and Senior Planning Officer – Mr Charles.

166. **Apologies and Substitutes**

(a) There were no apologies; and

(b) Councillor Edgington substituted for Councillor Ashford.

167. **Declarations of Interest**

Minute Number 171 – W/17/0290 – 8 Hawkes Hill Close, Norton Lindsey, Warwick

Councillor Morris declared an interest because one of the objectors was known to him, but he stated that this would not influence his decision.

Minute Number 176 – W/17/0123 – 19 Mill Street, Warwick

During the course of the meeting, following approval of the minutes, Councillor Edgington declared a prejudicial interest because he was a member of Warwick Town Council's Planning Committee and he left the room whilst the item was discussed.

Councillor Morris declared an interest because the application site was in his Ward.

Minute Number 177 – W/16/2172 – Warwick School, Banbury Road, Warwick

Councillor Mrs Bunker declared an interest because she was a former pupil of King's High School.

Councillor Day declared a personal and pecuniary interest because he was the Chief Executive of the consultancy firm that was advising the applicant on philanthropic fundraising for this project. He left the room while this item was discussed.

During the course of the meeting, following approval of the minutes, Councillor Edgington declared a prejudicial interest because he was a member of Warwick Town Council's Planning Committee and he left the room whilst the item was discussed.

Councillor Mrs Hill declared an interest because she was a former pupil of King's High School.

168. **Site Visits**

To assist with decision making, Councillors Boad, Mrs Bunker, Cooke, Day, Morris, Naimo, Mrs Stevens and Weed had visited the following application sites on Saturday 25 March 2017:

W/17/0123 – 19 Mill Street, Warwick
W/17/0294 – Land adjacent 62 Rounds Hill, Kenilworth

169. **Minutes**

The minutes of the meeting held on 28 March 2017 were taken as read and signed by the Chairman as a correct record.

(Councillor Edgington arrived at the meeting during this item.)

170. **W/17/0277 – 8 Warwick Place, Royal Leamington Spa**

The Committee considered an application from Mr Braich for the conversion of part of an existing house to create two new separate two bedroomed flats, with associated landscaping including the removal of an external storage building, alterations to the brick boundary wall and a dropped kerb to provide vehicular access.

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

The officer was of the opinion that the proposed development was located in a sustainable area where new housing was acceptable in principle. The proposed development would not have an adverse impact on the character of the local area and would preserve the character of the Royal Leamington Spa Conservation Area. In addition, the proposal would not have an adverse impact on residential amenity, parking or highway safety and would not have a detrimental impact on protected species. Therefore, it was recommended that the application was approved.

An addendum circulated at the meeting advised that additional supporting information in the form of a Traffic Survey had been submitted by the applicant. In addition, the consultation response from the Council's Private Sector Housing department and a further letter of objection from the occupant of the adjacent property had been received. Furthermore, the addendum advised that and additional condition had been recommended by Environmental Health to address the issue of noise transmission.

The Senior Planning Officer clarified that the additional condition recommended by Environmental Health to reduce noise as a result of construction works included control of the hours of operation, the storage of waste and the movement of construction vehicles on and off the site. In addition, there were three advisory notes to the applicant with respect to noise transmittance; a note making reference to the upgrading of new internal party walls, a second on the potential for noise leakage through roof lights and a further note regarding upgrading works that may be required to reduce noise transmittance through existing party walls.

The following people addressed the Committee:

- Ms Miller, in objection to the proposal;
- Mr Simmons, in support of the proposal; and
- Councillor Gifford, Ward Councillor, in objection to the proposal.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Day and seconded by Councillor Heath that the application should be granted in accordance with the recommendation in the report, subject to conditions relating to the internal layout and construction noise, to be finalised by officers, and with notes to the applicant regarding noise transmission.

The Committee therefore

Resolved that W/17/0277 be granted, with notes to the applicant regarding noise transmission and 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(s) 1185-0502, and specification contained therein, submitted on 15 February 2017. **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) notwithstanding the details on the approved plans, no works shall commence on the construction of the development hereby permitted until revised details of the siting, height, design and materials of the treatment of all boundaries have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and shall be retained as such thereafter. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

(4) no development shall be carried out on the site which is the subject of this permission, until large scale details of new doors and windows (including a section showing the window reveal, heads and cill details) 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:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011 (CA);

(5) prior to occupation of the development the site access and parking area shall be laid out in accordance with drawing number 1185-0502. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan;

(6) the access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan;

(7) the development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan;

(8) 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;

(9) 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;

(10) a condition relating to construction noise, as per the advice from Environmental Health, to be finalised by officers; and

(11) a condition relating to the internal layout, to be finalised by officers.

171. **W/17/0290 – 8 Hawkes Hill Close, Norton Lindsey, Warwick**

The Committee considered an application from Mr James for a two storey side extension and conversion of the existing garage.

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

The neighbour objections were noted. However, the officer was of the opinion that because the proposed extension did not represent a disproportionate addition to the original dwelling, the overall design was in keeping with the area and the extension did not materially impact upon the amenity of neighbouring properties. The extension was, therefore, considered an appropriate form of development.

An addendum circulated at the meeting advised that plans had been received amending the red line on the site location plan. In addition, the addendum detailed further comments received from a neighbour at Hawthorne Court and the associated response from the Planning Officer.

Mr Goossens and Mr Chippendale addressed the Committee in objection to the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Stevens that the application should be granted in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/17/0290 be **granted** 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 drawings 3517-01; 3517-02D and specification contained therein, submitted on 17/02/2017 and 21/03/2017. **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) 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;

(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. 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; and

(5) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

172. **W/17/0294 – Land adjacent 62 Rounds Hill, Kenilworth**

The Committee considered an application from Ms Tamms for a new dwelling.

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

The officer was of the opinion that the provision of a new dwelling in this location represented sustainable development and, therefore, was acceptable in principle. The officer was satisfied that the development would not result in any unacceptable harm to the character and amenity of the local area, the amenity of neighbouring properties, highway safety or ecological matters.

An addendum circulated at the meeting summarised additional letters of objection received from local residents.

Ms Harding and Mrs Elliott addressed the Committee in objection to the proposal.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Edgington that the application should be granted in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/17/0294 be **granted** 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 drawings 5051/17B, 5051/18B and 5051/19B and specification contained therein, submitted on 9 March 2017. **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 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;

(4) if an air source heat pump is chosen as the

method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(5) 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;

(6) 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;

(7) 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 building or enclosure shall be provided within the curtilage of, and no extension or addition erected or constructed to, any dwelling(s) hereby permitted without the prior written approval of the local planning authority. **Reason:** That due to the restricted nature of the application site and its relationship with adjoining properties 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 of the Warwick District Local Plan 1996-2011;

(8) the development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 5 metres at any point, as measured from the near edge of the public highway carriageway. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan;

(9) the access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan;

(10) the existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for its whole length in accordance with details to be approved in writing by the Local Planning Authority. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan;

(11) the access to the site shall not be widened in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan;

(12) the development shall not be occupied until a turning area has been provided within the site so as to enable a car to leave and re-enter the public highway in a forward gear. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan; and

(13) prior to the commencement of the development hereby permitted protective measures for all retained trees including tree protective fencing and/or ground protection shall be installed in accordance with BS 5837:2012 and thereafter maintained throughout the lifespan of the building operations. **Reason:** To protect the existing trees on the site in accordance with Policy DAP3 of the Warwick District Local Plan 1996-2011.

173. **W/16/2282 – 146 Parade, Royal Leamington Spa**

The Committee considered an application from Landlord Furniture Limited for a change of use of upper floor offices to a ten bedroomed house in multiple occupation (HMO), including alterations to the shop front and rear elevation to create new accesses to the upper floors.

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

The application was considered in conjunction with W/16/2283/LB (Minute Number 174), which related to the Listed Building permissions for the premises.

The officer was of the opinion that whilst the proposed conversion of the upper floors of the building to a HMO would exceed the 10% rule as defined in emerging policy H6, the property was located on a main thoroughfare in the town centre which was an identified exception to the 10% policy. In reaching this conclusion, it was also noted that the provision of the HMO would result in a less than 1% increase in the concentration of HMOs in this area.

The proposed development was acceptable with regard to the impact on the character of the area and Royal Leamington Spa Conservation Area, the impact on the Heritage Asset, the impact on neighbouring properties, highway safety and features of ecological importance. On this basis, the officer's recommendation was that planning permission should be granted.

Councillor Knight, representing Royal Leamington Spa Town Council, addressed the Committee in objection to the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Heath and seconded by Councillor Mrs Stevens that the application should be granted, in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/16/2282 be **granted**, subject to the submission and approval of a Unilateral Undertaking and 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(s) 02B, and specification contained therein. **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; and

(4) 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 in accordance with the approved details 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. No bins shall be left or stored in any other location other than on collection day.

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.

174. **W/16/2283 LB – 146 Parade, Royal Leamington Spa**

The Committee considered an application from Landlord Furniture Limited for a change of use of upper floor offices to a ten bedroomed house in multiple occupation (HMO), including alterations to the shop front and rear elevation to create new accesses to the upper floors.

The application was presented to Committee because an objection had been received from Royal Leamington Spa Town Council.

The application was considered in conjunction with W/16/2282 (Minute Number 173), which related to the planning permissions for the premises.

The proposed works had been assessed with regard to the impact on the Heritage Asset and the officer was of the opinion that the alterations would preserve the character of the Listed Building.

Councillor Knight, representing Royal Leamington Spa Town Council, addressed the Committee in objection to the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Heath that the application should be granted in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/16/2283 LB be **granted** 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(s) 02B, and specification contained therein. **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) the new shop front hereby permitted shall be constructed of timber in accordance with plan

reference 02B. **Reason:** To ensure that the character of the Listed Building is preserved in accordance with Policy DAP4 of the Warwick District Local Plan 1996-2011.

175. **W/17/0191 – 26 The Close, Royal Leamington Spa**

The Committee considered an application from Mr Vitish for the conversion of an existing dwelling to two one-bedroomed flats.

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

The officer was of the opinion that the conversion of a house into two flats within this area would not lead to an increase in noise and disturbance. The parking requirement for the proposal was two spaces; the same as for the existing property. The property could provide two off-road car parking spaces and, therefore, the application was considered acceptable in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

Councillor Knight, representing Royal Leamington Spa Town Council, addressed the Committee in objection to the application.

Following consideration of the report, presentation 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.

The Committee therefore

Resolved that W/17/0191 be **granted** 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); and

(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) AMENDED 16/84-02 Rev D, and specification contained therein, submitted on 9th March 2017. **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.

176. **W/17/0123 – 19 Mill Street, Warwick**

The Committee considered a retrospective application from Mrs Middlebrook for the erection of a garden shed.

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

The officer was of the opinion that the application would not result in material harm to the character and appearance of the area, the living conditions of the occupiers of the neighbouring properties, the setting of the Listed Building or the trees. Therefore, it was recommended that the application was approved.

Mr Stephenson addressed the Committee in objection to the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Mrs Hill and seconded by Councillor Boad that the application should be granted, in accordance with the officer's recommendation.

On the Chairman's casting vote, the Committee therefore

Resolved that W/17/0123 be **granted** subject to the following condition:

(1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing location plan and specification contained within email dated 7th February 2017 from Guy Middlebrook therein. **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.

The meeting was adjourned at 8.25 pm and resumed at 8.40 pm.

177. **W/16/2172 – Warwick School, Banbury Road, Warwick**

The Committee considered an application from Warwick Independent Schools Foundation (WISF) for the relocation of King's High School to co-exist alongside Warwick School and Warwick Preparatory School. The application included the erection of five new buildings ranging between one and three storeys in height, improvements to the internal access arrangements and landscaping, increased car parking and coach drop off areas, the erection of a substation and gas regulator house, the demolition of four buildings and the relocation of the existing access off Banbury Road.

The application was presented to Committee because it was recommended that planning permission was granted subject to the completion of a legal agreement.

The officer was of the opinion that the proposal represented an opportunity to free-up valuable town centre land and would improve the facilities for King's High and Warwick School. The proposal would also improve the parking and layout for pedestrians within Warwick School and measures had been taken in order to ensure that highway safety was maintained, and the ecological impact would be managed. Therefore, the application was recommended for approval.

An addendum circulated at the meeting advised that an amendment to the scheme with respect to N1, the King's High building, had been submitted following the publication of the report in order to reduce the overall cost of the scheme. Consequently, an amendment to Condition 2 was required to substitute drawing numbers. In addition, Warwickshire County Council (WCC) Ecology had confirmed that the additional information submitted addressed items required by Condition 7, and this condition could therefore be amended from a pre-commencement condition to a standard condition to ensure that the combined ecological and landscaping scheme submitted was adhered to during the course of the works on site.

Furthermore, the agent had advised that the development would be built in a phased approach and had, therefore, requested that the wording of conditions 9 and 17 was amended accordingly. The applicant had queried whether condition 10 was reasonable given that Warwickshire County Council (WCC) Highways was responsible for highway drainage. On reflection and in conjunction with advice obtained from WCC Legal Services, officers had concluded that condition 10 of the report was unreasonable and should not form part of any approval granted.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Boad and seconded by Councillor Mrs Stevens that the application should be granted in accordance with the recommendation in the report, subject to amendments to conditions 2, 7, 9 and 17 and the removal of condition 10 of the report.

The Committee therefore

Resolved that W/16/2172 be **granted** subject to the completion of the necessary legal agreement and 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 drawings:

- POC-NHA-A-PL-00-002 Rev P10 (proposed site masterplan) submitted on 13th April

2017;

- POC-NHA-N2-A-PL-0010, POC-NHA-N2-A-PL-0011, POC-NHA-N3-A-PL-0010, POC-NHA-N3-A-PL-0011, POC-NHA-N4-A-PL-0010, POC-NHA-N4-A-PL-0011 and POC-NHA-N5-A-PL-0010 submitted on 25th November 2016, and POC-NHA-N1-00-DR-A-00-0010 Rev P12, POC-NHA-N1-01-DR-A-00-0011 Rev P12, POC-NHA-N1-03-DR-A-00-0012 Rev P06, submitted on 13th April 2017 (general arrangement plans);

- POC-NHA-N1-A-PL-0100, POC-NHA-N1-A-PL-0103, POC-NHA-N2-A-PL-0100, POC-NHA-N2-A-PL-0101, POC-NHA-N3-A-PL-0100, POC-NHA-N3-A-PL-0101, POC-NHA-N4-A-PL-0100 , POC-NHA-N4-A-PL-0101 and POC-NHA-N5-A-PL-0100 submitted on 25th November 2016, and POC-NHA-N1-XX-DR-A-00-0100 Rev P06, submitted on 13th April 2017, and POC-NHA-N1-XX-DR-A-00-0101 Rev P06 and POC-NHA-N1-XX-DR-A-00-0102 Rev P06 submitted on 19th April 2017 (general arrangement elevations);

- POC-NHA-N1-A-PL-0300, POC-NHA-N1-A-PL-0301, POC-NHA-N2-A-PL-0300, POC-NHA-N2-A-PL-0301, POC-NHA-N3-A-PL-300, POC-NHA-N3-A-PL-301, POC-NHA-N4-A-PL-0300, POC-NHA-N4-A-PL-0301 (typical bay study);

- POC-NHA-XX-A-PL-0100 and POC-NHA-XX-A-PL-0101 (long site sections); and

- LP2055-FIRA-10-W-3001 Rev L submitted on 13th April 2017,

and specification contained therein. **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 (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: No works of demolition or construction shall be undertaken

unless and until a construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of:

- Any temporary measures required to manage traffic during construction;
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction;
- Dust management and suppression measures;
- Wheel washing;
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2;
- Concrete crusher if required or alternative procedure;
- Delivery times and site working hours;
- Site lighting;
- Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- Restrictions on burning and details of all temporary contractors buildings;
- Plant and storage of materials associated with the development process;
- External safety and information signing notices;
- Complaints procedures, including complaints response procedures and dedicated points of contact;
- Best practicable means shall be employed at all times to control noise and dust on the site including:
- Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
- Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

All development shall take place in accordance with the approved Construction Management Plan unless otherwise agreed in writing with the Local Planning Authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free

flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

(4) no development shall take place until: -
1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:

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

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

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

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

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

4. Upon completion of the remediation detailed

in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;

(5) the development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of 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 National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan;

(6) no development shall take place until:
a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

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

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

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;

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

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.

- An overland flow routing/exceedance flow plan should be provided, to demonstrate any exceedance flow is directed away from buildings and access and egress remain clear to ensure the safety of site users.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures;

(8) other than site clearance and preparation works no phase of development shall commence until samples of the external facing materials to be used for that phase have been submitted to and approved in writing by the local planning authority. Development shall be carried out in strict 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;

(9) 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;

(10) the development hereby permitted shall not commence until details of the Banbury Road access arrangement have been submitted to and approved by the local planning authority. The development shall be carried out strictly in accordance with the approved details. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick

District Local Plan 1996-2011;

(11) no hard or soft landscaping shall be implemented until details of hard landscaping works which shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area for each phase have been submitted to and approved in writing by the local planning authority. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of each phase of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of 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. 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. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

(12) the development shall not be occupied until space has been provided within the site for the parking, turning, loading and unloading of vehicles in accordance with details to be approved in writing by the Local Planning Authority. The approved parking, turning, loading and unloading areas shall be retained at all times thereafter. **Reason:** To ensure the

free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

(13) gates or barriers erected at the entrance to the site for vehicles and pedestrians shall not be hung so as to open to within 5 metres of the near edge of the public highway. **Reason:** To ensure the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

(14) no installation of external lighting shall take place until a detailed lighting scheme has been submitted and approved in writing by the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, 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 can be achieved in the following ways:

- low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps
- the brightness of lights should be as low as legally possible
- lighting should be timed to provide some dark periods
- connections to areas important for foraging should contain unlit stretches
- if lighting is necessary, the light levels in the surrounding area of bat roosts and in foraging/commuting areas should be less than 3 Lux in line with BCT guidelines.

All external lighting shall be installed in strict accordance with the approved scheme. **Reason:** To ensure appropriate measures are taken in relation to protected species;

(15) the development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority. **Reason:** To ensure the protection of highway safety and pedestrian safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

(16) the development hereby permitted shall be carried out strictly in accordance with the details included in the Arboricultural Impact Assessment prepared for Arup by Midland Forestry Limited, their report reference MF 9612 dated 31 October 2016, subject to the following restrictions:

a) prior to the commencement of the development a suitably qualified tree specialist shall be appointed to supervise any works within the root protection areas of protected and retained trees; and

b) the appointed, suitably qualified tree specialist shall undertake supervision and monitoring of the tree protection works throughout the construction period and submit to the local planning authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

Reason: To protect those trees which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

(17) no installation of external lighting shall commence until a lighting assessment including the provision of lux plot/lighting distribution plan demonstrate how the reduction of obtrusive light will be achieved, has been submitted and approved by the Local Planning Authority. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

(18) noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the

amenities of the occupiers of nearby properties in the locality in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

(19) the development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) *Project One Campus POC-ARUP-RP-C-001 Issue 1(November 2016)* and additional technical note *Project One Campus POC-ARP-RP-C-002 (March 2017)* and the following mitigation measures detailed within the approved documents:

- Limit the discharge rates in accordance with technical note *Project One Campus POC-ARP-RP-C-002 (March 2017)* for each outfall of the site.
- Provide provision of surface water attenuation storage as stated within the technical note *Project One Campus POC-ARP-RP-C-002 (March 2017)* and/ or in accordance with '*Science Report SC030219 Rainfall Management for Developments'.*
- Surface water is to be provided via a minimum of two trains of treatment using the proposed drainage features within the drainage design.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. **Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures;

(20) the development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter 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;

(21) pitches 9 and 10 shall be constructed and laid out in accordance with drawing ref. 691-NHASK262-04 and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first use or occupation of the King's High School building hereby permitted.
Reason: To ensure the quality of pitches is satisfactory and they are available for use before development;

(22) the Sports Technology building hereby permitted shall not be occupied until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the local planning authority, and a copy of the completed approved agreement has been provided to the local planning authority. The agreement shall apply to;

- a new 3G pitch;
- an existing grass rugby pitch;
- two existing sand based artificial grass pitches;
- the existing gymnasium (within the Sports Technology building); and
- the existing Sports Centre.

The community use agreement should include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the local planning authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement. **Reason:** To secure well managed safe community access to the sports facility/facilities and to ensure sufficient benefit to the development of sport;

(23) the development hereby permitted shall take place in accordance with the approved scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site. **Reason:** In the interests

of Public Safety from fire, and the protection of Emergency Fire Fighters; and

(24) the development hereby permitted shall be carried out strictly in accordance with the submitted ecological and landscaping scheme agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). Any alterations to the ecological and landscaping scheme must be agreed in writing by the Local Authority and strictly adhered to thereafter. **Reason:** In accordance with NPPF, ODPM Circular 2005/06.

178. **W/17/0094 – 55 Queen Street, Cubbington**

An application was received from Mr Young for the erection of a two storey rear extension.

Following the withdrawal of the objection made by Cubbington Parish Council prior to the meeting, this item was withdrawn from the agenda and Members were advised that the decision would be granted under delegated powers.

(The meeting ended at 8.54 pm)

Planning Committee

Minutes of the meeting held on Wednesday 26 April 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Boad, Mrs Bunker, D'Arcy, Day, Edgington, Miss Grainger, Heath, Mrs Hill, Naimo and Mrs Stevens.

Also Present: Senior Committee Services Officer – Mrs Barnes; Legal Advisor – Ms Amphlett; Development Services Manager – Mr Fisher; and Senior Planning Officer - Ms Hammond.

179. **Apologies and Substitutes**

(a) There were no apologies; and

(b) Councillor D'Arcy substituted for Councillor Weed, Councillor Edgington substituted for Councillor Ashford and Councillor Miss Grainger substituted for Councillor Morris.

180. **Declarations of Interest**

Minute Number 183 – W/17/0269 – 8 Church Street, Warwick

Councillor Edgington declared an interest because he was a member of Warwick Town Council which was in support of the application. He left the room whilst the item was discussed.

Councillors Day and Miss Grainger declared an interest because the applicant was known to them.

Minute Number 184 – W/17/0270 LB – 8 Church Street, Warwick

Councillor Edgington declared an interest because he was a member of Warwick Town Council which was in support of the application. He left the room whilst the item was discussed.

Councillors Day and Miss Grainger declared an interest because the applicant was known to them.

Minute 185 – W/17/0203 – 1 St Mary's Crescent, Royal Leamington Spa

Councillor Miss Grainger declared an interest because she was a member of Royal Leamington Spa Town Council and had been present at the meeting when the item was discussed. She left the room whilst the application was considered.

Councillors D'Arcy and Naimo declared an interest because one of the speakers was known to them.

Minute Number 186 – W/16/1830 – 2 Manor Farm House, Lime Avenue, Lillington

Councillor Boad declared an interest because the nearest neighbour to the application site was known to him and he left the room whilst the item was discussed.

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

Councillor Grainger declared an interest because she was a member of Royal Leamington Spa Town Council but had not been present at the meeting when this item was discussed.

Minute Number 187 – W/17/0303 - Eco House, 51 Hill Street, Warwick

Councillor Cooke declared an interest because the applicant was known to him.

Councillor D'Arcy declared an interest because the application site was in her Ward.

Councillor Edgington declared an interest because he was speaking in objection to the application in his capacity as Ward Councillor.

181. **Site Visits**

To assist with decision making, Councillors Boad, Mrs Bunker, Cooke, Mrs Hill, Naimo and Mrs Stevens had visited the following application sites on Saturday 22 April 2017:

W/16/1830 – 2 Manor Farm House, Lime Avenue, Lillington
W/17/0269 & W/17/0270 LB – 8 Church Street, Warwick

Councillor Boad advised that he had not taken any part in the site visit to 2 Manor Farm House, Lime Avenue, Lillington.

182. **W/17/0260 – 8 Canon Price Road, Barford**

The Committee considered an application from Mr Ball for the erection of a two storey side extension.

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

The officer was of the opinion that the proposals were considered to be acceptable in principle, design, scale, proportions, was in accordance with all relevant policies and guidance and would not significantly impact on the amenity of neighbouring properties nor parking provision and therefore the application was recommended for approval.

The following people addressed the Committee:

- Councillor Clay, Barford Parish Council, objecting.

- Mrs Barwinskyj, objecting.
- Councillor Rhead, Ward Councillor, objecting.

It was proposed and duly seconded that the application be granted in line with the officer's recommendation. Having been put to the vote, the motion was defeated.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Day and seconded by Councillor Boad that the application should be refused because the scale of the extension within the plot was unneighbourly, the proximity of the extension and the potential visual impact on neighbouring properties, the openness of the area taking into consideration the policies included in the Barford Village Design Statement and the Barford Neighbourhood Plan.

The Committee therefore

Resolved that W/17/0260 be **refused** because the scale of the extension within the plot is unneighbourly, the proximity of the extension and the potential visual impact on neighbouring properties, the openness of the area taking into consideration the policies included in the Barford Village Design Statement and the Barford Neighbourhood Plan.

183. **W/17/0269 – 8 Church Street, Warwick**

The Committee considered an application from Mr and Mrs Hawking for the change of use from a shop and flat to a single dwelling house (Use Class C3), the demolition of an existing two storey rear extension and the erection of a new two storey and single storey rear extensions.

The application was presented to Committee because Warwick Town Council supported the proposal and the recommendation from officers was to refuse permission.

The application was considered in conjunction with W/17/0270 LB which dealt with the Listed Building Consent for the property.

The officer was of the opinion that the principle of the change of use of the building from vacant shop and flat above, into a single dwelling was considered acceptable in accordance with saved Policy TCP8 of the Warwick District Local Plan 1996-2011. There would be no harm to the amenity of the neighbouring property and no harm caused to highway safety as a result of the proposals.

It was accepted that the removal of the modern two storey extension would improve the overall character of the building in its context, however, the proposed replacement extensions were not considered to be acceptable on the basis of the resulting impacts these would have on the special architectural and historic interest of the heritage asset. Accordingly, it was recommended that planning permission be refused for the development for the reasons set out in the report.

The following person addressed the Committee:

- Mrs Hawking, supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Naimo that the application should be refused, in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/17/0269 be **refused**, for the following reason:

(1) Policy DAP4 of the Warwick District Local Plan 1996-2011 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting.

The application building is a markedly historic property in a very prominent location in one of the main medieval streets in the town, and is within the immediate context of highly-graded heritage assets. Notwithstanding the principle of development to revert the building to a single family home being acceptable, objection is raised to the specific detail of the proposed works.

Externally, building a second gable at the rear would involve the removal of a large part of a principle elevation of the property, including the removal of architectural features such as windows. Although this elevation is in need of repair, it remains a key part of the historic form of the property. Furthermore, the proposed single storey lean-to extension would run the full width of the property which would damage the terrace aesthetic, would not work with the architectural lines of the property and would not accord with general conservation principles and good design practice.

Overall, in the opinion of the Local Planning Authority, the proposals would result in unacceptable harm to the special architectural and historic interest of the listed building and are thereby considered to be contrary to the aforementioned policy.

The proposal is considered to result in less

than substantial harm to the heritage asset but this is not outweighed by any public benefits and therefore the proposal is contrary to the para 134 of the NPPF.

184. **W/17/0270 LB – 8 Church Street, Warwick**

The Committee considered an application from Mr and Mrs Hawking for internal works to facilitate change of use from a shop and flat above to a single dwelling house, demolition of the existing two storey rear extension and the erection of a new two storey and single storey rear extensions.

The application was presented to Committee because Warwick Town Council supported the proposal and the recommendation from officers was to refuse permission.

The application was considered in conjunction with W/17/0269 which dealt with the general planning permission for the property.

The officer was of the opinion that the principle of the proposed works, to revert the building to a single dwelling was considered acceptable in heritage terms. However, this was subject to there being no material harm to the special architectural or historic interest, integrity or setting of the listed building. While it was accepted that the removal of the modern two storey extension would improve the overall character of the building in its context, the proposed replacement extensions were not considered to be acceptable on the basis of the resulting impacts these would have on the special architectural and historic interest of the heritage asset. Similarly, an element of the internal works would involve the loss of a main and historically valuable wall which would be harmful to the fabric of the listed building and compromise its integrity.

The following person addressed the Committee:

- Mrs Hawking, supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Naimo that the application should be refused, in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/17/0270 LB be **refused**, for the following reason:

(1) Policy DAP4 of the Warwick District Local Plan 1996-2011 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting.

The application building is a markedly historic property in a very prominent location in one of the main medieval streets in the town, and is within the immediate context of highly-graded heritage assets. Notwithstanding the principle of development to revert the building to a single family home being acceptable, objection is raised to the specific detail of the proposed works.

Externally, building a second gable at the rear would involve the removal of a large part of a principle elevation of the property, including the removal of architectural features such as windows. Although this elevation is in need of repair, it remains a key part of the historic form of the property. Furthermore, the proposed single storey lean-to extension would run the full width of the property which would damage the terrace aesthetic, would not work with the architectural lines of the property and would not accord with general conservation principles and good design practice.

Internally, an area of work proposed on the first floor would result in the removal of a substantial portion of a main historic wall running through the middle of the property that includes evidence for a historically valuable plan form including vestiges of a chimney stack. This extent of loss of an intrinsically valuable feature would be deleterious to the fabric of the listed building.

Overall, in the opinion of the Local Planning Authority, the proposals would result in unacceptable harm to the special architectural and historic interest of the listed building and is thereby considered to be contrary to the aforementioned policy.

The proposal is considered to result in less than substantial harm to the heritage asset but this is not outweighed by any public benefits and therefore the proposal is contrary to the para 134 of the NPPF.

185. **W/17/0203 – 1 St Mary's Crescent, Royal Leamington Spa**

The Committee considered a retrospective application from Mr Rivers for the retention of a brick wall 1.6m high and 215mm wide.

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

The officer was of the opinion that the wall was an inappropriate boundary treatment to this prominent site by reason of its height, design and materials which had resulted in areas of dead frontage which was harmful to the street scene and the character of the Conservation Area. The development was thereby considered to be contrary to the National Planning Policy Framework and Policy DAP8 of the Warwick District Local Plan 1996-2011 and was therefore recommended for refusal.

An addendum circulated at the meeting advised that there had been six further letters of support from the public, from five new individuals (taking the total number of letters of support up to 12). Further points made were:

- The wall gave a sense of solidity, stability and stature to the neighbourhood.
- The wall suited the house.
- Surprised that there were objections to the wall.

Again, other non-material planning comments were made.

The following people addressed the Committee:

- Mr Holmes, supporting; and
- Mr Naylor, supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Day that the application should be refused, in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/17/0203 be **refused**, for the following reason:

(1) Policy DAP 8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas.

The 1.6 metre high wall hereby proposed to be retained would by reason of its prominent positioning, height and design comprise an uncharacteristic and incongruous feature within the surrounding area which would not preserve or enhance the character and appearance of the Royal Leamington Spa Conservation Area.

The development is thereby considered to be contrary to the National Planning Policy

Framework and the aforementioned policy.

186. **W/16/1830 – 2 Manor Farm House, Lime Avenue, Lillington**

The Committee considered an application from Dr Singh for the proposed erection of nine residential properties consisting of three terraced town houses and two apartment blocks comprising of three units each.

The application was presented to Committee because an objection had been received from Royal Leamington Spa Town Council.

The officer was of the opinion that the principle of development was considered to be acceptable having regard to the relevant saved policies of the Development Plan which are consistent with the provisions of the Framework and the emerging Local Plan. The visual impacts of the development were considered to be acceptable and the proposed appearance, finish and character of the development within this vacant site was considered to result in an enhancement to the setting of the adjacent conservation area. The proposed buildings would not result in any material harm to the amenity of existing neighbouring properties and adequate levels of amenity were proposed for the new dwellings and apartments.

There would be no detriment to highway safety and other matters relating to landscaping, ecology, archaeology and open space could either be secured or suitably mitigated through the imposition of appropriately worded conditions. Overall, the proposals represented a sustainable form of development that would result in no significant or demonstrable harm. For all the above reasons, it was recommended that planning permission be approved subject to conditions.

An addendum circulated at the meeting advised that a revised section plan had been received showing the reduced height of Apartment Block B; this now concurred with the revised elevations already on the file.

The following person addressed the Committee:

- Councillor Morrison, Royal Leamington Spa Town Council, objecting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Mrs Bunker that the application should be granted, in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/16/1830 be **granted**, subject to:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3342-101 Rev.A, 3342-102 and 3342-106, and specification contained therein, submitted on 10th October 2016, 3342-105 submitted on 26th October 2016 and 3342-107 Rev.C submitted on 27th March 2017. **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) 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;

(4) 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 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 development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall

be replaced in the next planting season with another of 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 ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

(5) no part of the development hereby permitted shall be commenced until a combined ecological and landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority in conjunction with advice from WCC Ecological Services. The scheme must include all aspects of landscaping including details of native tree planting and other biodiversity enhancements such as installation of bird and bat boxes, log pile, creation of wildflower area. The development shall thereafter be carried out in accordance the approved scheme. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

(6) no development shall take place within the application site, unless and until
a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the local planning authority,
b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken and a a report detailing the result f of this fieldwork shall be submitted to the local planning authority,
c) an Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development and any archaeological fieldwork post-excavation analysis, publication of result and archive deposition detailed in the mitigation Strategy document shall be undertaken in accordance with the approved Mitigation Strategy document. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;

(7) 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;

(8) 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;

(9) prior to the commencement of the development hereby permitted protective measures for all retained trees including tree protective fencing and/or ground protection shall be installed in accordance with BS 5837:2012 and thereafter maintained throughout the lifespan of the building operations. **Reason:** To protect the existing trees on the site in accordance with Policy DAP3 of the Warwick District Local Plan 1996-2011; and

(10) the access to the site for vehicles shall not be used unless and until a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **Reason:** To ensure safe access to the site and in the interests of highway safety in accordance with Policies DP6 and DP8 of the Warwick District Plan 1996 – 2011.

187. **W/17/0303 – Eco House, 51 Hill Street, Warwick**

The Committee considered an application from Mr Hands for the variation of condition 2 (approved plans) and condition 4 (landscaping scheme) of previously approved application reference W/10/1237, to allow an alternative landscaping scheme to be carried out/maintained.

The application was presented to Committee because an objection had been received from Warwick Town Council.

The officer was of the opinion that the proposed variation of the above conditions was considered to be acceptable and would cause no harm to the street scene. It was therefore recommended that the application should be approved.

The following person addressed the Committee:

- Councillor Edgington, Ward Councillor, objecting.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Heath and seconded by Councillor Boad that the application should be granted, in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/17/0303 be **granted**, subject to:

(1) notwithstanding the details required by condition 4, the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2006/III/2 Rev A and 2006III/3 submitted on 15th July 2005, and specification contained therein. **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 development hereby permitted shall be constructed from the agreed sample external facing materials which were submitted to the local planning authority on 25th April 2014 (Brick - Hanson Village Sunglow; Render- Weber Pral M 016 Ivory; Slate - Cembrit Jutland fibre -cement slate). **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;

(3) the development hereby permitted shall be carried out in accordance with the approved landscaping scheme detailed in drawing number 10 submitted to the local authority on 17th February 2017. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. **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;

(4) the development hereby permitted shall be carried out in accordance with the approved details of boundary treatment which were submitted to District Planning Authority 17th February 2017. **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;

(5) the development hereby permitted shall not be brought into use until the proposed means of access has been constructed in strict

compliance with details approved in writing by the District Planning Authority. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(6) the development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers 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;

(7) the car park hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in accordance with details which have previously been approved by the District Planning Authority. **Reason:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

(8) the development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and

(9) the ground floor windows in the southern and northern elevations of the property hereby permitted shall be obscure glazed and retained as such at all times thereafter. **Reason:** To protect the amenity of the occupiers of nearby properties in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

188. **W/17/0115 – 32 Combroke Grove, Hatton Park, Hatton**

The Committee considered an application from Mrs Finerty for the erection of a two storey side extension.

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

The officer was of the opinion that the proposed extension amounted to a 22.3% increase over and above the existing floor space and as such represented an appropriate form of development within the Green Belt. There would be no material visual harm arising from the proposals and similarly no material harm resulting to the residential amenity of neighbouring properties. No detriment would be caused to highway safety and overall, officers were satisfied that the development accorded with the relevant saved policies of the Local Plan and for the above reasons it was recommended that permission be approved.

An addendum circulated at the meeting advised that on page 1 of the report, W/17/0355 was referred to, which was a Lawful Development Certificate for a loft conversion and this had since been approved on 12.04.2017.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Stevens and seconded by Councillor Mrs Bunker that the application should be granted, in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/17/0115 be **granted**, subject to:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 002, 003 and 004 and specification contained therein, submitted on 23rd January 2017. **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.

189. **W/17/0142 – The Stables, Lyon Farm, Rouncil Lane, Beausale**

The Committee considered an application from Mr Bates for the conversion of existing garage, installation of new velux window, alterations to existing windows and the formation of new windows and a new oak porch and canopy.

The application was presented to Committee because Beausale, Haseley, Honiley and Wroxall Joint Parish Council supported the application and it was recommended for refusal.

The officer was of the opinion that the Agricultural Barn Conversion SPG sought to retain the character of the barns. Their conversion was acceptable as long as non-traditional elements were not added. The property was a barn which had been converted sensitively. The application proposed to install bi-folding doors and create additional openings where none existed before, adding urban features which were not associated with barns. The proposed works would result in material harm to the character and appearance of the barn conversion and would be contrary to Policy RAP7 and the adopted Agricultural Buildings Conversion SPG.

An addendum circulated at the meeting advised that, for the purposes of clarification, the description of development included one roof light to the front elevation; the inclusion of a porch; the conversion of the garage and associated fenestration changes along with fenestration changes to the rear of the property.

With the exception of the roof light, all of those proposed external changes were considered to urbanise and detrimentally impact upon the character and integrity of this former barn contrary to the Barn Conversion SPG.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor D'Arcy that the application should be refused, in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/17/0142 be **refused**, for the following reason:

(1) policy RAP7 of the Local Plan and the Agricultural Barn Conversion SPG seek to retain the original character and integrity of barns. Their conversion is acceptable as long as non-traditional elements are not added. The application property is a barn which has been converted sensitively. The application proposes to install bi folding doors and create additional openings where none existed before adding in alien and incongruous features not associated

with barns which would result in material harm to the character and appearance of the barn conversion and would be contrary to the aforementioned policies.

190. **W/17/0168 – Plot 8001, Tournament Fields, Stratford Road, Warwick**

The Committee considered an application from AVL Powertrain Ltd for approval of reserved matters against outline planning permission no. W/13/0758 for the erection of a two storey building (B1 unit) to include offices, laboratories, workshops, Hardware in the Loop Simulation (HIL) environment, soak areas for vehicle testing, Powertrain Test Bed modules, reception, rest rooms, toilets and showers, as well as an external service yard, car parking and landscaping.

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

The officer was of the opinion that the proposals would have an acceptable impact on the living conditions of nearby dwellings and on the character and appearance of the area. The proposals were also considered to be acceptable in terms of car parking and highway safety. Therefore, it was recommended that the reserved matters application be approved.

An addendum circulated at the meeting advised that there had been minor changes to the recommended conditions to change the requirements from "pre-commencement" to "pre-occupation" where appropriate. The remaining "pre-commencement" conditions had been amended to exclude the construction of the access road from the restrictions so that the developer was able to commence work on this part of the scheme sooner. This would enable the development on the application site to come forward in a more timely manner as well as opening up access to other vacant plots.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Heath that the reserved matters application should be approved, in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/0168 be **approved**, subject to:

(1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) DR-1-010G, DR-1-011F, DR-1-012, DR-1-017, DR-1-020D, DR-1-021D, DR-1-130A, DR-1-131A & DR-5-650, and specification contained therein, submitted on 1 February 2017, except as required by Condition 8 below. **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 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;

(3) detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **Reason:** To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

(4) 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 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 development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of 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 ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

(5) 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;

(6) no development shall commence until details of the access road to the site from the existing roundabout on Edge Hill Drive have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the access road has been completed in strict accordance with the approved details. **Reason:** For the avoidance of doubt and to ensure an appropriate for vehicular, cycle and pedestrian access, in

accordance with Policy DP6 of the Warwick District Local Plan;

(7) no development shall commence until details of all ancillary buildings shown on the site layout plan (transformers, HV switch, fuel farm and gas storage modules) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the details approved under this condition.
Reason: For the avoidance of doubt and to ensure a satisfactory standard of design and appearance for the development, in accordance with Policy DP1 of the Warwick District Local Plan;

(8) notwithstanding the details indicated on the approved plans, no development shall commence until details of boundary treatment have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure a satisfactory standard of design and appearance for the development, in accordance with Policy DP1 of the Warwick District Local Plan;

(9) 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;

(10) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced 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) 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 protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area,or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** 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;

(11) all existing trees shall be retained and shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(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) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(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 those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

(12) the premises hereby permitted shall not be occupied unless and until the cycle parking, car parking and manoeuvring areas indicated on the approved drawings have been provided

and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011;

(13) no person shall use and no activity shall take place within the development hereby permitted before 0700 hours or after 1900 hours unless:

(a) a noise assessment (including details of noise mitigation measures if deemed appropriate) has been submitted to and approved in writing by the local planning authority; and
(b) any noise mitigation measures approved under (a) have been implemented in strict accordance with the approved details.

Any noise mitigation measures shall thereafter be retained and maintained in strict accordance with the approved details at all times that the development is used before 0700 hours or after 1900 hours.

Reason: To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan; and

(14) no lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

191. **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 8:45 pm)

Planning Committee

Minutes of the meeting held on Tuesday 23 May 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillors Mrs Bunker, Cooke, Day, D'Arcy, Edgington, Gifford, Miss Grainger, Heath, Mrs Hill, Mrs Stevens and Weed.

Also Present: Committee Services Officer – Mrs Dury; Legal Advisor – Mr Howarth; Head of Development Services – Mrs Darke; and Senior Planning Officer – Ms Hammond.

1. **Apologies and Substitutes**

(a) There were no apologies.

(b) Councillor Miss Grainger substituted for Councillor Morris and Councillor Gifford substituted for Councillor Boad.

2. **Appointment of Chairman**

It was moved by Councillor Mrs Bunker, and duly seconded that Councillor Cooke be appointed Chairman of Planning Committee.

Resolved that Councillor Cooke be elected Chairman of Warwick District Council's Planning Committee for the municipal year 2017/18.

The Chairman called for a minute's silence to honour the victims of the terrorist bomb in Manchester 22 May 2017.

3. **Appointment of Vice-Chairman**

It was moved by Councillor Edgington, and duly seconded that Councillor Day be appointed Vice-Chairman of Planning Committee.

Resolved that Councillor Day be elected Vice-Chairman of Warwick District Council's Planning Committee for the municipal year 2017/18.

4. **Declarations of Interest**

Minute Number 8 – W/16/2271 – Woodside, Spinney Hill, Warwick

Councillor D'Arcy declared an interest because the application site was in her Ward.

Councillor Edgington declared a prejudicial interest because he had supported the applicant. He left the room whilst this item was discussed.

Minute Number 11 – W/17/0039 – Grove Farm, Harbury Lane, Bishop's Tachbrook

Councillor Day declared an interest because the application site was in his Ward.

5. **Site Visits**

There were no site visits.

6. **Minutes**

The minutes of the meetings held on 25 April 2017 and 26 April 2017 were unavailable and would be presented for approval at the June 2017 Committee meeting.

7. **W/16/1788 – 135 Warwick Road, (including rear builders yard), Kenilworth**

The Committee considered an application from Trengerren Limited for a variation of condition 1 on planning permission W/15/0620 to allow changes to the design of the houses and apartments, the access road to the private drive, the bin store location and the parking layout.

The application was presented to Committee because of the number of objections received including one from Kenilworth Town Council.

The original planning permission was granted under an outline application reference W/11/1618 and the reserved matters pursuant to this outline were subsequently approved under application reference W/15/0620. The policies and material considerations that were relevant to the reserved matters decision were set out in its associated officer report.

The officer was of the opinion that the variation of condition 1 to allow revisions to the design of some of the proposed buildings, together with revisions to the parking layout, bin store location and the access arrangements would not result in any detriment to highway safety, the visual amenity of the site and surroundings or the amenity of residential properties surrounding the site. Furthermore, there were no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. It was, therefore, considered that the development remained in accordance with the relevant provisions of the Development Plan.

An addendum circulated at the meeting advised that three additional third party representations had been received making the following comments:

- additional comments in respect of the access width, proposed works to No.135 and the length of the access drive that led into the site;
- suggestions as to what other works proposed at the access might alleviate concerns held locally;
- additional concerns raised with respect to increased traffic and pedestrian safety along the access drive; and
- concern that the road will remain private rather than being adopted.

The following people addressed the Committee:

- Councillor Illingworth, representing Kenilworth Town Council, in objection to the application;
- Mr Cook, a local resident, speaking in objection to the application for himself and some neighbours; and
- Mr Bennett, who spoke for the applicant.

Members expressed concern about the safety issues for vehicles and pedestrians because of the single track private access road. This did not provide safe and convenient access for pedestrians, and could present access issues for the disabled, refuse collections and other services such as emergency services.

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

The Committee therefore

Resolved that W/16/1788 be **refused** contrary to the recommendations in the report because it fails to meet the requirements of Planning Policy DP6 and the NPPF on vehicular and pedestrian safety.

8. **W/16/2271 – Woodside, Spinney Hill, Warwick**

The Committee considered an application from Common Lane Developments Limited for the demolition of the existing three storey care home and construction of a new 72 bed care home (use Class C2) and associated ancillary facilities, car parking and external works.

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

The officer was of the opinion that the principle of development was considered to be acceptable in accordance with saved Policy SC8 of the Local Plan, emerging Policy HS8 of the New Local Plan and paragraph 70 of the NPPF, with which the Development Plan was consistent. The development proposals would result in the redevelopment of an existing care home facility and would provide improved facilities, specifically for residents affected by dementia, in an enlarged building with associated car parking and landscaping. The development was not considered to result in any demonstrable harm to the character of the area and the appearance of the street scene nor would there be any significant or demonstrable harm to the amenity of existing residential properties that surrounded all sides of the application site. The development was not considered to be detrimental to highway safety and the level of parking proposed was, on balance, considered to be acceptable. Matters relating to noise, contamination, ecology, drainage and open space had all been considered and found to be acceptable and could be adequately dealt with and/or mitigated through the use of appropriate conditions attached to any forthcoming permission.

Overall, the proposals represented a sustainable form of development and, for all the reasons cited above, it was recommended that planning permission be approved.

An addendum circulated at the meeting advised that one additional third party letter had been received expressing concerns about increased traffic and the need to consider improved traffic calming measures in the vicinity.

The following people addressed the Committee:

- Mrs Vaughan, a local resident, who objected to certain features of the site layout which she felt affected her property, but not to the care home itself; and
- Mr Russell, who represented the care home.

Members were informed by Planning Officers that one of the conditions proposed, should the application be granted, dealt with soft screening to help mitigate the effects of the care home on nearby properties. It was therefore agreed that a note to the applicant on landscaping to mitigate the impact of the car park on a neighbouring property at number 45 would be more appropriate.

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

The Committee therefore

Resolved that W/16/2271 be **granted** in accordance with the recommendations in the report with a note to the applicant for landscaping to mitigate the impact of the car park on a neighbouring property at number 45, and 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 drawings 3246-51 Rev.H, 3246-52 Rev.G, 3246-53 Rev.G, 3246-54 Rev.G, 3246-56 Rev.B, 3246-61 Rev.C, 3246-62 Rev.C, 3246-63 Rev.C, 3246-64 Rev.B, 3246-65 Rev.B, 3246-66 Rev.B, 3246-67 Rev.B, 3246-68 Rev.B 3246-70 Rev.B, 3246-71, 3246-72, 3246-74, 3246-01, 16.1235.001 'Tree Constraints Plan' and 16.1235.002 'Tree Protection Plan', and specification contained therein, submitted on 13 December 2016, approved drawing 216-012 C-002, and

specification contained therein, submitted on 30 March 2017 and approved drawing 3246-55 Rev.H, and specification contained therein, submitted on 2 May 2017. **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) 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;

(4) 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 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 development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of 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 ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

(5) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(6) 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 and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

a) Infiltration testing, in accordance with BRE 365 guidance, to be completed and

results submitted to demonstrate suitability (or otherwise) of the use of infiltration SuDS

b) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753

c) Evidence that the discharge rate generated by all rainfall events up to and including the 100 year (plus an allowance for climate change) critical rain storm has been limited to 5 l/s for all return periods

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 storms 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) Evidence from Seven Trent Water (STW) will be required granting approval of discharge of sewerage to their assets including discharge rate and connection points.

f) Demonstrate the proposed allowance for exceedance flow and associated overland flow routing

g) A foul water drainage scheme including evidence from Severn Trent Water (STW) that there is adequate capacity within their sewerage assets for this development

h) 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 site shall be provided to the LPA.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

(7) the development hereby permitted (including demolition) shall not commence until a further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

(8) 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;

(9) 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;

(10) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. Best practicable means shall also be employed at all times to control noise and dust on the site including, a) work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays; b) delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

(11) within nine months of the first occupation of the development hereby permitted the applicant shall submit an updated Green Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time. The plan shall:

i. specify targets for the proportion of

employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;

ii. set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;

iii. explain and justify the targets and measures;

iv. identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

Reason: In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC12 & SC4 of the Warwick District Local Plan 1996-2011;

(12) the development shall not be occupied until pedestrian and vehicular access facilities have been provided to the site, and space has been provided within the site for the parking and manoeuvring of vehicles, in accordance with drawing number 3246-55 Revision H. **Reason:** In the interest of highway safety in accordance with policy DP6 of the Warwick District Local Plan 1996-2011;

(13) the development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of highway safety in accordance with policy DP6 of the Warwick District Local Plan 1996-2011;

(14) gates/barriers erected at the entrances to the site for vehicles shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway. **Reason:** In the interest of highway safety in accordance with policy DP6 of the Warwick District Local Plan 1996-2011;

(15) in the event that contamination is found at any time when carrying out the approved development that was not previously identified

it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;

(16) noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

(17) the development hereby permitted shall not be occupied unless and until the approved parking spaced have been provided and made available for use in accordance with the approved details and thereafter those facilities shall remain available for use at all times unless alternative measures have been approved by the local planning authority. **Reason:** In the interests of amenity and highway safety in accordance with Policies DP1 and DP8 of the Warwick District Local Plan 1996-2011.

9. **W/17/0039 – Grove Farm, Harbury Lane, Bishop's Tachbrook, Royal Leamington Spa**

The Committee considered a reserved matters application from AC Lloyd Limited for the layout, landscaping, scale and appearance of 130 dwelling houses comprising 1.5, 2 and 2.5 storey housing together with associated garages, parking facilities, landscaping, infrastructure and drainage, forming Phase 1B of the Oakley Grove, Harbury Lane development granted under outline planning permission W/14/0023.

The application was presented to Committee because an objection had been received from Bishop's Tachbrook Parish Council.

The officer was of the opinion that the proposed development was considered to provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions, including landscaping and public open space, relevant to this particular phase of the development. The scheme therefore complied with the policies listed and accordingly it was recommended that planning permission be approved.

An addendum circulated at the meeting advised that a revised landscaping plan had been received on 16 May 2017 in response to comments from the Landscape and Open Space team. Additional comments had been received from Open Space in response to the landscaping plan. Officers proposed to add a condition to any forthcoming permission requiring some additional details.

The following people addressed the Committee:

- Councillor Bullen, representing Bishop's Tachbrook Parish Council, in objection to the application; and
- Mr Clark, who represented the applicant.

Members expressed some concerns about the safety of pedestrians trying to cross the road to the school. It was agreed that a note to the applicant would be the best way to tackle this.

A motion from Councillor Heath, and seconded by Councillor Miss Grainger to grant the application with a note to the applicant to examine carefully the safety of the access points to the school was passed. The Chairman realised that he had failed to read out the proposed condition from officers as detailed in the addendum. He therefore sought Councillor Heath's and Councillor Miss Grainger's approval that this should be included in the resolution.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Heath and seconded by Councillor Miss Grainger that the application should be granted as per the recommendations in the report and with an additional condition requiring some additional details (e.g. footpath specifications, detail of high post and rail fencing) and the note to the applicant.

The Committee therefore

Resolved that W/17/0039 be **granted** in accordance with the recommendations in the report, with a note to the applicant to examine carefully the safety of the access points to the school and subject to the following conditions:

(1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 79-1 Rev.E, 79-2 Rev.B, 83

Rev.A, 84 Rev.A, 85-1 Rev.A, 85-2, 86-1 Rev.A, 86-2 Rev.B, 87-1 Rev.A, 87-2 Rev.A, 88-1 Rev.B, 88-2, 89-1 Rev.A, 89-2 Rev.A, 90-1 Rev.A, 90-2 Rev.A, 91-1 Rev.A, 91-2, 92-1 Rev.A, 92-2, 93-1 Rev.A, 93-2, 94 Rev.B, 95 Rev.B, 96 Rev.B, 97 Rev.B, 98-1 Rev.N, 98-2 Rev.C, 110-1 Rev.A, 111, 115 Rev.A, 116 Rev.A, 117-1 and 117-2 and specification contained therein, submitted on 11 January 2017 and 82 Rev.C, 133 and 133-1, and specification contained therein, submitted on 19 April 2017 and 70 Rev.N, 112-1 Rev.B, 112-2 Rev.B, 112-3 Rev.B, 130 Rev.B, 132 Rev.A, 132-1 Rev.A and 134 Rev.A, and specification contained therein, submitted on 4 May 2017. **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) 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;

(3) the landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of each phase of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **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;

(4) no structure, tree or shrub shall be erected, planted or retained within the visibility splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the

interest of highway safety in accordance with policy DP6 of the Warwick District Local Plan 1996-2011;

(5) no utility pipe works or cabinets are to be placed on the exterior walls of the undercroft vehicular accesses that measure a width of less than 5.5 metres. **Reason:** In the interest of highway safety in accordance with policy DP6 of the Warwick District Local Plan 1996-2011; and

(6) an additional condition requiring some additional details (e.g. footpath specifications, detail of high post and rail fencing).

10. **W/16/2080 – Fairfield, Old Warwick Road, Lapworth, Solihull**

The Committee considered an application from Mr Black for the erection of a detached dwelling.

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

The officer was of the opinion that the principle of development was considered acceptable having regard to both the policies relating to the provision of rural housing and to the relevant Green Belt policy in the NPPF that cited this type of limited infill development as 'appropriate'. The proposed dwelling was considered to be in keeping and sympathetic in terms of its scale and massing and accordingly not considered to cause any visual harm to the character of the surrounding area. There would be no harm caused to the amenity of existing residential properties around the site and there was no detriment considered to be caused to highway safety in terms of the proposed access arrangements. It was considered that there would be no material harm resulting from this proposed development, which was considered to represent a sustainable form of development overall. For these reasons it was recommended that planning permission be granted.

An addendum circulated at the meeting advised that additional representations had been received from Lapworth Parish Council, the Open Space team and solicitors acting on behalf of the neighbouring property. The Parish Council had withdrawn its objection. The Open Space team provided confirmation of the development objectives towards which the requested sum would be spent; and the solicitors gave details relating to the ownership of land and rights of access, but nothing that was material to planning consideration of the application.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Mrs Stevens and seconded by Councillor Mrs Bunker that the application should be granted.

The Committee therefore

Resolved that W/16/2080 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 drawings 080 rev.06, 081 rev.08, 082 rev.05, 083 rev.04 and 084 rev.04 and specification contained therein, submitted on 26 January 2017. **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) 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;

(4) the development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for great crested newts, reptiles, badger, nesting birds and hedgehog has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(5) no works shall commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include

all aspects of landscaping including details of native planting and installation of bird and bat boxes. The agreed scheme shall be fully implemented before/during development of the site as appropriate. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(6) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(7) 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;

(8) 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;

(9) the development hereby permitted shall not be occupied unless and until the existing access to Fairfield from the private access road has been closed and an alternative access provided to the satisfaction of the Local Planning Authority in consultation with the County Highways Authority. **Reason:** In the interests of highway safety in accordance with policy DP6 of the Warwick District Local Plan 1996-2011; and

(10) the development shall not be occupied until visibility splays have been provided to the vehicle access to Warwick Road with an 'x' distance of 2.4 metres and 'y' distances of 70 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with policy DP6 of the Warwick District Local Plan 1996-2011.

11. **W/17/0231 – The Barn, Camp Hill Farm, Kites Nest Lane, Beausale**

This application was determined under officers' delegated powers.

12. **W/17/0741 LB – 33 Bridge End, Warwick**

This application was withdrawn by the applicant.

(The meeting ended at 7.50pm)

Planning Committee

Minutes of the meeting held on Wednesday 24 May 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Mrs Bunker, Cain, Mrs Cain, D'Arcy, Day, Gifford, Heath, Mrs Hill, Mrs Stevens and Weed.

Also Present: Committee Services Officer – Miss Cox; Legal Advisor – Mrs Gutteridge; Team Leader, Development Control – Mr Sahota; Planning Officer – Miss Obremski; and Housing Strategy & Development Manager – Mr Bruno.

13. **Apologies and Substitutes**

(a) There were no apologies; and

(b) Councillor Mrs Cain substituted for Councillor Edgington, Councillor Cain substituted for Councillor Morris and Councillor Gifford substituted for Councillor Boad.

14. **Declarations of Interest**

There were no declarations of interest.

15. **Site Visits**

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

16. **W/16/1987 – Land on the West Side of Southam Road, Radford Semele**

The Committee considered an application from Kendrick Homes Ltd for the approval of all reserved matters under outline planning permission W/15/1761 for a residential development of 25 dwellings, including a revised access design. The reserved matters related to the appearance, landscaping, layout and scale of the development. Site access from Southam Road into the site had been approved under the outline permission.

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

The officer was of the opinion that the proposed development provided a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions. Therefore, it was recommended that the application was approved.

An addendum circulated at the meeting advised that four additional letters commenting on the application had been received.

The Team Leader for Development Control advised Members that Warwickshire County Council (WCC) Highways had no objection to the proposal.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Gifford and seconded by Councillor Mrs Bunker that the application should be granted, with a note to the applicant regarding the lack of garage/driveway to the bungalow.

The Committee therefore

Resolved that W/16/1987 be **granted**, with a note to the applicant regarding the lack of garage/driveway to the bungalow and subject to the following conditions:

(1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 349-04-01A, 349-04-02A, 349-05-01A, 349-05-02A,349-06-01A, 349-06-02A, 349-08-01A, 349-08-02A, 349-09-01, 349-10-01A, 349-10-02A, 349-12-01A, 349-12-02A, 349-14-01A, 349-14-02A, 349-14-03A, 349-14-04A, 349-15-01A, 349-15-02A, 349-17-01, 349-17-02, 349-18-01, 349-18-02, 349-19-01 and 349-20-01, and specification contained therein, submitted on 13 March 2017 and approved drawing(s) 349-01-01B, 349-02-301, 349-02-701-P1, 349-702-P1, 349-703-P1, 349-16-01B, 349-16-03B, 349-16-04B and 349-16-05A and specification contained therein, submitted on 11 April 2017. **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

(2) a landscaping condition requiring details of native species.

(Following the meeting, the Team Leader for Development Services clarified with the agent that the parking provided was in accordance with the Council's adopted Vehicle Parking Standards Supplementary Planning Document. Therefore, it was agreed with the Chairman that the note regarding the garage/driveway was not required).

17. **W/17/0171 – 18 Wychwood Close, Bishop's Tachbrook**

This application was withdrawn by the applicant prior to the meeting.

18. **W/17/0172 – 19 Wychwood Close, Bishop's Tachbrook**

This application was withdrawn by the applicant prior to the meeting.

19. **W/17/0245 – Pheasant Lake, Birmingham Road, Wroxall**

The Committee considered an application from Mr Spacey for the removal of condition 3 (occupancy) of planning permission W/16/2125; notification for prior approval for a proposed change of use of agricultural building to a dwelling house (Class C3) and associated operational development. Condition 3 restricted the occupancy of the property to those working at the adjacent Pheasant Lakes Organic Farm (Warwickshire Organics). The application was presented to Committee because an objection had been received from Beausale, Haseley, Honiley and Wroxall Parish Council.

The officer was of the opinion that because there were no existing noise concerns regarding the wider site, and it was unlikely that there would be a significant intensification of the site which would lead to an unacceptable level of harm to the living conditions of the occupiers of the dwelling, condition 3 should be removed and the application should be approved.

Following consideration of the report and presentation, it was proposed by Councillor Day and seconded by Councillor Weed that the application should be granted, in accordance with the recommendation in the report.

The Committee therefore

Resolved that W/17/0245 be **granted** 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); and

(2) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 160 metres to the near edge of the public highway carriageway, in both directions. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety and to satisfy Policy DP6 in the Warwick District Local Plan 1996-2011.

20. **W/15/1452 – Land at Lower Heathcote Farm, Harbury Lane, Warwick – Variation of Section 106 Agreement**

The Committee considered an application from Bovis Homes Ltd for the variation of a Section 106 agreement to revise the affordable housing tenure mix.

The application related to planning permission W/14/0661 which was originally granted on 19 September 2014 and subsequently varied under W/15/1452 to provide for the incorporation of a fabric first approach. The permissions were for a residential development of a maximum of 785 dwellings, the provision of three points of access, a mixed use community hub/local centre and community buildings, the potential provision of a primary school, comprehensive green infrastructure, a continuous open space network and multi-functional open space and allotments, foul and surface water drainage infrastructure, including attenuation ponds, and ancillary infrastructure and ground remodelling.

Both permissions were subject to a Section 106 Agreement which imposed a range of obligations on the developer, including a requirement for affordable housing to be provided at a rate of 40% across the site.

The revised affordable housing tenure mix requested by the applicant was as follows:

Tenure	Originally Proposed Proportion of Affordable Units	Revised Proportion the subject of this Report
Social Rent	60%	39%
Affordable Rent	25%	25%
Shared Ownership	15%	36%

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. Therefore, it was recommended that the Section 106 Agreement was amended as requested.

A letter from Brandon Lewis MP, former Minister of State for Housing and Planning, regarding the impact of social rent changes on the delivery of affordable housing, was circulated at the meeting. The letter provided guidance to authorities that asked them to look favourably on such requests to vary Section 106 agreements because of the unexpected announcement of rent cuts for housing associations of 1% per year from 2016/17 for four years, and uncertainty about what would happen after that.

Following consideration of the report, presentation and the letter circulated at the meeting, it was proposed by Councillor Mrs Cain and seconded by Councillor Mrs Bunker that the application should be granted, in accordance with the officer's recommendation.

The Committee therefore

Resolved to vary the Section 106 agreement relating to planning permission W/15/1452, to allow the revision of the affordable housing tenure mix.

21. **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 6.50pm)

Planning Committee: 20 June 2017 **Item Number:** **5**

Application No: W 16 / 1233

Registration Date: 19/09/16
Town/Parish Council: Leamington Spa **Expiry Date:** 19/12/16
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

19 Kenilworth Road, Leamington Spa, CV32 5TN

Demolition of existing structures and construction of replica east facing facade together with construction of new buildings and conversion of 2 cottages to provide 26 apartments, care office, residential lounge, car parking and landscaping (Use Class C2) as an extension of the Audley Binswood Hall Care Community. FOR Audley Care Ltd

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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.

DETAILS OF THE DEVELOPMENT

The application proposes the demolition of the existing building and the erection of a replacement building comprising apartments, a care office and residential lounge to form an extension to the Audley Binswood Hall Care Community (Use Class C2). The new building would have a replica east facing facade to match the Kenilworth Road facade of the existing building. The proposals include the conversion of the two existing cottages at the rear of the site to form part of the retirement complex. Car parking is proposed on the Kenilworth Road frontage, with a landscaped garden area set behind the existing boundary wall on the Lillington Avenue frontage.

There have been a number of amendments following the submission of the application, including:

- existing feature fish-scale roof detail to front elevation recreated on replacement building;
- design of balconies amended;
- french doors and balconies omitted from side elevation to Lillington Avenue;
- upper floor windows to south elevation annotated as obscure glazed and non-opening;
- garden store omitted from site frontage;
- rooflights to front elevation reduced in size;
- cycle parking provided;

- further soft landscaping added to Kenilworth Road frontage; and
- amended landscaping details to address issues raised by WCC Landscape.

THE SITE AND ITS LOCATION

The application relates to a detached property situated on the western side of Kenilworth Road. The property occupies a corner plot at the junction of Kenilworth Road and Lillington Avenue, which runs along the side boundary. The site is situated within a predominantly residential part of the Leamington Spa Conservation Area, although Arnold Lodge School adjoins the southern boundary of the site. The rear (western) boundary of the site is formed by a short private access road off Lillington Avenue that runs between the application site and Arnold Lodge School on one side and Audley's existing Binswood Hall site on the other. Dwellings face the site from the opposite sides of Kenilworth Road and Lillington Avenue.

The application property is currently vacant and was last used as a care home. It was originally constructed as a single dwelling and forms a group of similar properties with the adjacent buildings at Nos. 15 and 17 Kenilworth Road that now form part of Arnold Lodge School. The original building has been extended to the side and rear and now comprises a largely 3 storey building (with some accommodation in the roofspace forming limited 4 storey elements).

There is vehicular access to the site frontage from Kenilworth Road. A high brick wall forms the boundary with Lillington Avenue.

PLANNING HISTORY

There was a previous proposal for a redevelopment to create retirement apartments by a different developer in 2012 (Ref. W12/0800). That application was refused and a subsequent appeal was dismissed.

There have been a number of previous planning permissions relating to extensions to the application property. The most significant of these was granted in 1984 for "Erection of an extension to provide an additional bedroom wing and bedroom extensions; construction of a pitched roof over existing dining room and internal alterations" (Ref. W84/0488).

RELEVANT POLICIES

- 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)
- 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)

- 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)
- SC11 - Affordable Housing (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)
- 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)
- 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)
- 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)
- 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)

- HE2 - Protection of Conservation Areas (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)
- 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

Town Council: No objection.

Public response: 17 objections and one comment neither supporting nor objecting to the application have been received, raising the following concerns:

- loss of light for the adjacent school;
- loss of privacy for the adjacent school;
- loss of outlook, overbearing impact and visual intrusion for the adjacent school;
- the adjacent school playground would be enclosed with built development;
- child protection concerns due to windows overlooking the school playground;
- windows overlooking the school playground would not minimise the potential for crime and anti-social behaviour, contrary to Local Plan Policy DP14;
- loss of trees and landscaping;
- noise from construction work;
- inconsiderate and dangerous parking of contractors vehicles during the construction process;
- a condition should be imposed to limit hours of working and to require a Contractor Parking Plan;
- the site should be accessed from Lillington Avenue and not from Kenilworth Road due to the potential for conflict with queuing traffic at the adjacent traffic lights;
- stone mouldings and architraves should be added to improve the appearance of the development;
- the Council should have regard to the comments that the previous Appeal Inspector made about the relationship with the two cottages to be retained at the rear of the site;

- increased traffic congestion;
- concerns about the adequacy of the Transport Statement;
- inadequate parking;
- there is no need for more luxury retirement accommodation, but there is a need for affordable housing which this scheme makes no contribution to;
- the density is too high;
- the proposed design and scale is not appropriate for the conservation area; and
- loss of the existing historic building would harm the conservation area.

Cllr Thompson: Requests that a Construction Management Plan is required for this application. The site is next to a busy junction and the construction of the adjacent Binswood Hall scheme has caused real difficulties for local residents. Given that the site adjoins two of the main arteries through the town, construction activities could have a significant impact on traffic flows.

Conservation Advisory Forum: Recognise that this scheme is more sympathetic than previous proposals for this site and raise no objection provided that the fine detailing and architectural features from the original building, such as the characteristic fish-scale roof tiles, are replicated and recommend where possible reclaiming and reusing existing materials. Other proactive recommendations include implementing sympathetic railings responding to the historic context of similar properties in the area, that car parking is made part of a landscaping scheme to soften its impact, that the balconies visible from the front elevation are omitted from the scheme, and those to the rear are of an improved design.

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

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

WCC Highways: No objection.

WCC Archaeology: No comment.

WCC Landscape: Raise concerns about the loss of existing soft landscaping and the loss of the oak tree. Advise that further planting should be provided to soften the view of the development from the adjacent school. Also advise that further planting should be provided alongside the wall on the Kenilworth Road frontage.

WDC Waste Management: No objection.

WDC Environmental Health: No objection, subject to a condition to require a Construction Management Plan.

WDC Green Space: Request a contribution towards public open space.

WDC Tree Officer: No objection, subject to conditions in relation to tree protection.

ASSESSMENT

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

- the impact on the character and appearance of the conservation area;
- provision of affordable housing;
- the impact on the living conditions of neighbouring dwellings;
- the impact on Arnold Lodge School;
- provision for public open space;
- car parking and highway safety;
- impact on trees;
- ecological impact; and
- health and wellbeing.

Impact on the character and appearance of the conservation area

The Council has a duty, when considering planning applications relating to conservation areas, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

The assessment of the impact on the character and appearance of the conservation area falls into two parts. The first part relates to the principle of permitting the demolition of the existing building, while the second relates to the design of the proposed replacement building.

In relation to the demolition of the existing building, Policy DAP9 of the Warwick District Local Plan states that there will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of the conservation area. In assessing the contribution made by the existing building, it is notable that it forms part of a group of 19th Century Gothic buildings (with Nos. 15 and 17) that are believed to have been designed by the same locally significant architect. The Inspector in the 2012 appeal judged that the group formed by Nos. 15 to 19 makes a substantial positive contribution to the historical and architectural character of the conservation area. However, the Inspector accepted that a demolition might be acceptable if the replacement building was of a suitably high quality of design that is in keeping with the architectural style of this distinctive group of buildings.

As such, the two elements of the conservation assessment are inter-linked (i.e. the principle of permitting demolition and the design of the replacement building), because the Inspector's decision accepts the possibility of designing a suitable replacement building in an architectural style more in keeping with its neighbours at Nos. 15 and 17.

In this regard, the applicant has designed a building with an almost facsimile reproduction of the existing front elevation. This is not an exact copy, with the main differences being the omission of certain elements that are unsympathetic later additions to the original building (e.g. the left-hand projecting gable) and other changes such as the provision of a lightwell to the front (to enable full use

to be made of the basement). Nevertheless, the design of the front elevation that has been proposed is true to the appearance of the original building and maintains the uniformity of design of this group of 19th Century Gothic buildings that was noted by the Appeal Inspector.

Turning to the other elevations, amendments to the side gable elevation to Lillington Road have provided a more appropriate fenestration pattern compared with the scheme as originally submitted. The upper floor french windows and balconies have been omitted. Furthermore the remaining balconies to the side and rear elevations have been changed to a more appropriate design.

In terms of scale, whilst still a large development, the overall bulk and massing of the building has been reduced compared with the scheme that was dismissed at appeal. In particular the rear wing is now clearly a subservient feature, being a maximum 3 storeys in height. Furthermore, the element alongside the rear boundary is two storeys with a reduced eaves height to reflect the cottage style of the adjacent dwelling at Homewood Cottage (with that dwelling now also forming part of the proposed development).

Looking finally at the landscaping proposals, these have been amended to address concerns that were raised by WCC Landscape. This includes the provision of additional planting along the boundary with the school, as well as additional soft landscaped areas on the Kenilworth Road frontage. Nevertheless, there would still be less soft landscaping on the Kenilworth Road frontage than at present, and less than on the adjacent Arnold Lodge School site. As a result this represents a negative impact of the scheme. However, the amendments to the frontage layout have limited the harm that would be caused by this aspect of the scheme. Therefore, bearing in mind the wider benefits that the development would bring and the marginal viability of the scheme, it is not considered that a refusal of planning permission would be justified on these grounds. There is an issue with some of the species that are proposed to be used and therefore a condition is recommended to require revised planting details to be submitted for approval.

Drawing the above considerations together, it has been concluded that the design of building that has now been proposed has addressed the concerns that the Appeal Inspector raised in relation to the 2012 appeal proposals. Therefore, having regard to the conclusions of the Appeal Inspector in relation to the principles of demolition and the design of the new building, it is considered that the demolition and redevelopment now proposed would preserve the character and appearance of the conservation area. As such, the proposals are considered to be in accordance with Local Plan Policies DAP8 and DAP9.

Provision of affordable housing

The applicant has submitted a viability appraisal which demonstrates that the provision of affordable housing 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 cannot be required in relation to this development on viability grounds.

Impact on the living conditions of neighbouring dwellings

The separation distance to the dwellings on the opposite sides of Lillington Avenue and Kenilworth Road would largely meet the minimum standards specified in the Council's Distance Separation Guidelines (being mostly at least 33m window to window to the dwellings on the opposite side of Lillington Avenue and at least 44m window to window to the dwellings on the opposite side of Kenilworth Road). The separation would reduce slightly below the 32m minimum set out in the Guidelines at one point between the small secondary windows to lounges in the smaller of the two rear wings in the proposed development and the flats in Pembroke Court on the opposite side of Lillington Avenue. However, this would a very minor contravention of the Guidelines (only 1m less) and this would be an angled relationship across a public street. Therefore it is not considered that this would result in an unacceptable reduction in privacy for those properties. It is noted that the proposals include balconies on the north and west elevations, but the separation distance between these and the nearest dwellings would be at least 32m, which is considered to be sufficient to preserve privacy across a public street.

In view of the significant separation distances that would be achieved, it has been concluded that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for the neighbouring dwellings on the opposite sides of Lillington Avenue and Kenilworth Road.

The condition recommended by Environmental Health would provide adequate controls over demolition and construction activities. Therefore, for the reasons stated above, it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings.

Impact on Arnold Lodge School

A number of objectors have raised concerns about the impact of the development on Arnold Lodge School. In response the applicant has agreed that all upper floor windows facing the school playground will be obscure glazed and non-opening. However, whilst this would prevent overlooking, it does not address all of the concerns that the objectors have raised. Objectors are also concerned about loss of light and the overbearing impact on the school.

In this regard it is notable that the development now proposed would have a smaller rear wing than the 2012 appeal scheme. The rear wing of the 2012 scheme was largely 3 and 4 storeys in height, whereas the current proposals have a 2 and 3 storey rear wing. As such, any loss of light or loss of outlook would be reduced with the current scheme. This is significant, because the Appeal Inspector did not raise any concerns about the impact of the 2012 scheme on the school.

With this in mind, it has been concluded that the current proposals would not cause unacceptable loss of light or loss of outlook for the adjacent school. The existing building on the application site has a two storey rear wing alongside the school buildings and the nearest affected windows. Whilst there would be some

additional impact due to the increased height and length of the proposed rear wing, this would not be to an extent that would cause material harm to the operation of the school. In this regard it is notable that the vast majority of the windows in the school are situated away from that boundary. With regard to the playground, the proposals would increase the sense of enclosure for this space, but in an urban setting such as this it would be unreasonable to expect a school playground to retain its current unrestricted outlook over an adjacent site. Furthermore, the proposed rear wing is to the north of the school and therefore will not impact on the availability of sunlight to the playground.

With regard to the concerns that have been raised about construction activities impacting on the school, this would be addressed by the condition requiring the submission of a Construction Management Plan.

Provision for public open space

The applicant has agreed to make a contribution of £2,040 towards the provision or enhancement of public open space. This would meet the requirements of the Council's Open Space Supplementary Planning Document (which states in Appendix D that, in relation to housing schemes that are to particularly meet the needs of the elderly, contributions will be limited to those required for amenity open space). A condition is recommended to secure this.

Car parking and highway safety

Objectors have raised a range of highway concerns. However, the proposals have been assessed by the Highway Authority and they have raised no objection to the application. Therefore it has been concluded that the proposals are acceptable in terms of traffic impact and highway safety.

With regard to car parking, the Council's Parking Standards would require 38 spaces if this was a conventional residential development, whereas 19 spaces are shown. However, as the flats will form part of a care community, it is reasonable to expect that the demand for parking will be significantly less than for a conventional residential development. Furthermore, the proposed 19 spaces would be the same as the parking provision that was included in the 2012 appeal scheme, which was subject to the same parking requirement in the Parking Standards. The Appeal Inspector accepted that this level of provision would be appropriate in that case. The appeal scheme was for sheltered housing for the elderly, which would arguably generate a higher demand for parking than the care community proposed in the current application because residents of such a scheme would be likely to be less in need of care. Furthermore, the 2012 scheme proposed 4 more units (30 compared with the current 26). Therefore, taking into account the sustainable location of the site close to the town centre, it has been concluded that the parking provision would be appropriate.

Objectors have raised concerns about potential highways impacts during the construction process. This matter would be addressed by a Construction Management Plan, which can be secured by condition.

Impact on trees

A number of trees are proposed to be removed to make way for the proposed development. The Tree Survey submitted by the applicant categorises all of these trees as low quality. The conclusions of the Tree Survey have been verified by the Council's Tree Officer.

The most significant of the trees to be removed is the oak tree on the Lillington Road boundary. This is covered by a Tree Preservation Order. However, in the 2012 appeal decision the Inspector judged that this tree makes only a limited contribution to the character and appearance of the area, which is substantially outweighed by the contribution made by the rows of lime trees along Lillington Avenue. Furthermore the Inspector noted that the removal of oak tree would help to protect the quality of the lime-tree avenue, which are currently adversely affected by the oak tree growing so close. Therefore the Inspector concluded that removal of the oak tree would have no harmful effect on the character and appearance of the conservation area.

The other trees are less significant. Bearing in mind the low quality of the trees, it is considered that the loss of the trees will be adequately compensated for by the proposed replacement planting.

In terms of the impact on significant trees adjacent to the site and other trees to be retained, it has been concluded that suitable protection measures will ensure that this impact would be acceptable. This can be secured by condition.

Ecological impact

A bat survey has been carried out and this recorded a small population of common pipistrelle in the existing building. The County Ecologist has accepted the findings of the bat survey and has recommended a condition to require the implementation of mitigation measures in relation to the bats. This will ensure that the bats are not adversely affected by the development.

The County Ecologist has also recommended that a condition is imposed to secure a combined ecological and landscaping scheme to mitigate for any loss of biodiversity resulting from the loss of existing trees and shrubs. This and the other conditions recommended by the County Ecologist will ensure that the proposals will have an acceptable ecological impact.

Health and wellbeing

The proposals do not raise any significant implications for health and wellbeing.

Other matters

The proposals include a bin store at the rear of the site that would be accessed from Lillington Avenue. Based on the refuse collection strategy proposed by the applicant, which would be combined with the arrangements at the existing

Binswood Hall site, the Council's Waste Management team have agreed that the proposed bin store would be adequate.

A condition is recommended to require details of renewable energy production or energy efficiency measures to meet the requirements of Local Plan Policy DP13.

SUMMARY/CONCLUSION

The proposals would preserve the character and appearance of the conservation area and would have an acceptable impact on the living conditions of neighbouring dwellings and on the adjacent school. It has been demonstrated that the provision of affordable housing would render the scheme unviable. Furthermore it has been concluded that the proposals would be acceptable in terms of 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) 709-P-018B, 709-P-019B, 709-P-020B, 709-P-021B, 709-P-022B, 709-P-023B, 709-P-024E, 709-P-026C, 709-P-143 & AL6382-2000 REV A, and specification contained therein, submitted on 9 June 2017. **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 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.

4 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), rooflights, dormers, eaves, verges, railings, balconies 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.

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. 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.

6 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

7 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; a construction phasing plan; and a HGV routing plan. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

8 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.

9 The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

10 The development hereby permitted shall either:

a) be timetabled and carried out to avoid the bird nesting season (March to September inclusive); or

b) not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds (immediately prior to works commencing). If evidence of nesting birds is found works shall not proceed within 20m of the nesting site until outside of the bird nesting season (March to September inclusive).

REASON : To prevent possible disturbance to nesting birds, in accordance with Policy DP3 of the Warwick District Local Plan.

11 No works shall commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme must include all aspects of landscaping including details of native planting (including tree replacement planting, wildflower area) and installation of bird boxes. The agreed scheme shall be fully implemented in strict accordance with the approved details. **REASON:** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework.

12 Notwithstanding the details shown on the submitted plans, 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 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 development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of 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 ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

13 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within and adjacent to the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

14 No development shall commence until a suitably qualified tree specialist has been appointed to supervise works within the root protection areas of the trees to be retained on site and adjacent to the site. The appointed tree specialist shall undertake supervision and monitoring of the tree protection works throughout the construction period and following the completion of construction works shall submit a completion statement to the local planning authority to demonstrate compliance with the approved tree protection measures. **REASON:** In

order to protect and preserve existing trees within and adjacent to the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

15 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.

16 The dwellings shall not be occupied unless and until the cycle parking, 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.

17 None of the apartments hereby permitted shall be occupied unless and until the bin store has been constructed in strict accordance with the approved plans. The bin store 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.

18 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

19 All rainwater goods for the development hereby permitted shall be metal. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

20 Prior to the occupation of the development hereby permitted, the first and second floor windows in the south elevation as annotated on the approved plans shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in

which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON**: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

21 Other than staff accommodation which may be provided on-site, each unit of accommodation hereby permitted shall be occupied by at least one person in need of personal care by reason of old age, infirmity or disablement. **REASON**: To ensure compliance with the terms of the application, which proposes that the development will be an extension of the existing Binswood Hall care community.

22 The roofing material for the development shall be natural slate, a sample of which shall have been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

Planning Committee: 20 June 2017 **Item Number:** **6**

Application No: W 16 / 2356

Registration Date: 27/10/16
Town/Parish Council: Bishops Tachbrook **Expiry Date:** 26/01/17
Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

Grove Farm, Harbury Lane, Bishops Tachbrook, Leamington Spa, CV33 9QF

Reserved matters application for the appearance, layout, landscaping and scale of the infrastructure works (principally drainage pond, drainage routes, public open space and roads and footpaths, and hereinafter referred to as Oakley Grove Phase 2A) pursuant to condition 1 of previously approved outline application ref: W/15/0851 FOR

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

RECOMMENDATION

That Planning Committee grant the application subject to the conditions and notes listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This is an application for the approval of reserved matters under outline planning permission no. W/15/0851 for a residential development of approximately 520 dwellings. The reserved matters included in this application relate to the specific details of the infrastructure phases of the development, including the main spine road and footpaths, open space, strategic landscaping and drainage.

THE SITE AND ITS LOCATION

The wider site on which the outline permission was granted is located south of Harbury Lane and west of Oakley Wood Road. The housing estate of Warwick Gates is located to the north of Harbury Lane, Heathcote Park, a static caravan park, is located to the north west and Severn Trent Water disused sewage works and Gallaghers housing development is located to the west. Open fields lie to the south with the village of Bishops Tachbrook beyond. The site is within open countryside.

Within the wider site, Phase 1a of the approved housing development is underway. This sits to the northern part of the site, immediately adjacent Harbury Lane. The part of the site to which this reserved matters application relates, sits to the south of Phase 1a and concerns the spine road and the secondary access off Harbury Lane, together with the drainage works and public open space.

PLANNING HISTORY

W/15/0851 - Outline planning application for residential development for (approximately) 520 dwellings together with two new accesses onto Harbury Lane, land for Country Park, open space (including areas of formal and informal open space, allotments, structural landscaping and drainage works including surface water attenuation ponds as part of a Sustainable Drainage System), demolition of existing buildings, car parking and associated infrastructure – Approved 20.08.2015

While there are other planning applications/previous approvals linked to the site's planning history, these relate to different parts/phases of the site and as such are not relevant to the consideration of the current proposals.

It is noted that while the above application was made in outline and therefore only included indicative drawings, the submission did include parameters plans that illustrated the SUD's pool would be located within the Country Park. This concurs with the information that formed part of the Environmental Impact Statement (EIS) and specifically, the Flood Risk Assessment, that indicated the same.

When the outline permission was granted this was subject to a S.106 agreement which confirms the location of the SUDs pool and the allotments within the country park and consequently forms an intrinsic part of the permission. Further, conditions 23 and 24 of the outline permission required the approval of a site wide Masterplan and Design Code respectively, both of which were subsequently approved in June 2016. All of this information is consistent in identifying the position of the SUD's pool and the allotments, within the country park.

RELEVANT POLICIES

- The Current Local Plan
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- 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)
- DP5 - Density (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)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)

- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (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)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS13 - Allocation of Land for a Country Park (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)
- 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)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NP1 - Neighbourhood Plans (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)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Affordable Housing (Supplementary Planning Document - January 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- Sustainable Buildings (Supplementary Planning Document - December 2008)

- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Parish Council: Objection for reasons summarised below:-
- The proposals are not in accordance with the plan submitted and approved on W/15/0851 because the SUDS pool and allotments are located in the Country Park;
- Land designated as Country Park should not have parts of the development within it;
- In the Inspector's Main Modifications to the Local Plan, reference was made to an "important buffer of open space to the south to be delivered as a Country Park" which is an important buffer for recreational purposes;
- The design of the SUDS pool poses a health and safety hazard particularly for young children that may use the Country Park;
- The outline plan showed planting at the edge of the housing to provide some mitigation screening on the Tachbrook Valley;
- The pool is proposed to deal with surface water from all of Phase 2; instead there could be a series of smaller pools; and
- Allotments are not an appropriate function of a Country Park and could become untidy.

WCC Highways: No objections subject to conditions

Lead Local Flood Authority: No objections, subject to the full discharge of condition 25 from the outline application

Ecological Services: Previous comments still stand; nothing further to add.

Natural England: No comments to make

WCC Landscape: No objections

Open Space: No objections

Public response: 1 third party letter of objection received; however, this does not raise any material planning considerations.

Assessment

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application and was found to be acceptable. The outline planning permission also approved the vehicular access to the site and while that access cannot be re-considered through this reserved matters submission, approval is sought at this time for a secondary access from Harbury Lane into the site. Consideration of the current application can only include issues related to the detailed layout and design of the proposed on-site infrastructure works.

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

- the impact on the living conditions of nearby dwellings;
- the impact on the character and appearance of the area;
- landscaping;
- open space provision;
- highway safety;
- the ecological impact of the proposals;
- drainage and flood risk; and
- health and wellbeing.

Impact on the living conditions of nearby dwellings

Given the location of the site and the fact it is largely still undeveloped, the nearest properties to the proposed infrastructure works (principally the spine road) would be the houses that make up Phase 1a. This phase is still under construction and only a small number of units, closer to the front of the site, have been occupied to date. To the north west, and accessed off Harbury Lane, is Heathcote Park, which is a static caravan park. The proposed spine road is considered to be sufficiently distant not to result in any material harm to the amenity of the residences in Heathcote Park. Furthermore the proposed drainage and open space works are located even further away, towards the south and eastern areas within the larger site and accordingly would not unduly impact on nearby properties.

Impact on the character and appearance of the area

The proposed infrastructure works are in accordance with the principles set out in the design code that has been approved as part of the outline planning permission. This will provide the framework for a suitably high quality residential environment. The proposed strategic landscaping will create an appropriate setting for the development, in accordance with the principles set out in the Council's Garden Suburbs Prospectus. Therefore it is considered that the proposals would have an acceptable impact on the character and appearance of the area.

Landscaping

This reserved matters submission seeks approval for the strategic landscaping that would flank either side of the spine road, as illustrated on the submitted drawings 10c and 11c. The proposed planting along the spine road would create an important and strategic landscaping belt through the central part of the site, which would also create an appropriate setting for the development. Other landscaping drawings (sections) have been submitted which relate to the attenuation basin and these illustrate that around the periphery of the basin it is proposed to have a belt of aquatic planting sporadically placed around the inner edge of the basin. Beyond that, marginal areas, to be sown with a bespoke mix of native plant seeds is proposed and lastly, on the outer edges around the basin, a belt of meadowland is proposed around the entire perimeter of the basin. This would be sown with a mixture of native plant seeds gathered from the wild. All of this proposed planting around the basin follows the

recommendations previously made by the County Ecologist. Therefore it has been concluded that the landscaping proposals overall are acceptable.

In respect of the design of the SUDs, the technical specifications (size, depth, gradient of the slopes etc) have been determined by discussions between the developer and the drainage consultants. Aesthetically, it has been designed to incorporate a mix of soft landscaping, which, as set out above, meets with the approval of the County Ecologist and Landscape teams. Its position in this area of the country park would, in officers' opinion, be appropriate and would still leave substantial areas of open space throughout the rest of the country park. Similarly, although the allotments themselves do not form part of this reserved matters submission, these are deemed to be appropriate to the overall character of the country park.

Open space provision

The Council's Green Space team are happy with the proposed open space provision, which is in accordance with the Council's Open Space standards. There is an element of cross-over between the reserved matters for Phase 2a in relation to open space provision and the site-wide open space provisions that have previously been considered and approved by the design code. Specifically, in this submission, the location of the SUDs is considered to be acceptable and while the allotments are not strictly part of this reserved matters submission, their location is also considered to be appropriate within the country park. Overall, the proposals are considered to be acceptable in this regard.

Highway safety

Prior to the consideration of this reserved matters submission, an application was made to discharge conditions 14 and 20 from the outline permission. These conditions relate to the submission and approval of a construction phasing plan and a construction method statement respectively, in response to which the County Highways Authority raised no objections. On that basis, both conditions were approved accordingly and the discussions held between the applicant, the Local Planning Authority and the Highways Authority at the time, which led to the subsequent approval, informed the proposals which now constitute this reserved matters submission in respect of the layout of the spine road and associated infrastructure (footpaths, cycle ways etc).

Furthermore, it is noted that the layout shown on the submitted plans is in line with the approved Design Code that was agreed under the original outline permission. Some informal comments have been made by Stagecoach, not as a formal consultation response, or through the formal consultation process associated with the reserved matters submission, and these relate to the potential for the spine road to support a bus route and how practical this will be. It is noted that the Design Code repeats throughout, in several places, that the spine road will support a bus route so ultimately this is a core principle that will need to be adhered to. Such comments largely repeat the substance of earlier stages of the outline permission and subsequent conditions approval i.e. the formulation and approval of the site-wide masterplan and the design code. Officers are therefore satisfied that the reserved matters being considered now would have no adverse impact in this regard. In addition, the County Highways

Authority has also confirmed that it is satisfied the spine road can appropriately accommodate buses.

A number of revised plans and additional information has been received through the course of this application, to address earlier comments made by the Highway Authority, who has now confirmed there are no objections to this reserved matters submission. Accordingly the proposals are considered acceptable from a highway safety point of view.

Ecological impact of the proposals

Ecological matters are dealt with in the conditions on the outline planning permission. The detailed layout of the infrastructure works proposed in this reserved matters application would have no greater ecological impact than that indicated in the outline application and as has been demonstrated in respect of the landscaping, the previous recommendations of the County Ecologist have been followed through. Therefore the development remains acceptable from an ecological point of view, with adequate safeguards provided by the conditions on the outline permission.

Drainage and flood risk

There has been no objection raised from the County Flood Risk Management team or Severn Trent Water. Therefore the proposed drainage details are considered to be acceptable. The drainage scheme will ensure that the development does not increase the risk of flooding. It should also be noted that the technical specification of the SUDs pool has been considered by both the drainage consultants and the Open Space team and is deemed to be acceptable in health and safety terms, particularly having regard to the fact that the nearby area is likely to be used for leisure and recreational purposes, including use by children.

Health and wellbeing

The proposed layout includes large areas of public open space as well as provision for walking and cycling. Therefore it is considered that the proposals would have a beneficial effect on health and wellbeing.

Other matters

It is noted, in the Parish Council's response, that concern is raised about the siting of the SUDs pool within part of the site designated as Country Park. For this reason the Parish Council has stated that these proposals are not in accordance with the original outline permission. However, the original permission was only in outline with no definitive layout plans or other drawings that were explicitly approved as part of the permission. Any drawings submitted at this stage were indicative only and are therefore not finite in terms of the detail, which is reserved for subsequent approval at the reserved matters stage.

Similarly, concern has been expressed at the siting of the allotments within part of the Country Park. However, for the same reasons as above regarding the SUDs pool, the outine included only indicative plans and therefore nothing in the

outline permission precluded the siting of the SUDs pool or the allotments from being placed within the Country Park.

While the Parish Council consider that it was never the intention to locate either of these features in the Country Park, it is noted by officers that part of the information submitted with the original outine application, and linked to the EIS, identified that the SUD's would be placed in the Country Park. There was also a parameters plan that illustrated the same.

Ultimately, with nothing specific imposed on the outline permission in the way of conditions or S.106 obligations, limiting the position of the SUDs pool and/or the allotments, it falls to consider the suitability and appropriateness of it being positioned in the illustrated locations on the drawings submitted with this reserved matters submission. Officers consider that the siting of both, as shown on the submitted drawings, is acceptable and appropriate in visual terms.

Summary/Conclusion

The principle of development has already been established through the approval of the original outline permission (W/15/0851) and is not for consideration again at this time. This application seeks the reserved matters approval for the infrastructure works, principally consisting of the drainage works, roads and footpaths, strategic landscaping and open space. The proposals would have an acceptable impact on the living conditions of nearby residences and on the character and appearance of the area. Furthermore the open space provision is considered to be appropriate and so are the strategic landscaping proposals. Finally the proposals are considered to be acceptable in terms of highway safety, ecological impact and drainage and flood risk. For these reasons therefore it is recommended that the reserved matters are approved accordingly.

1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 10 C, 11 C, 12 A, 13 A and 14 B and specification contained therein, submitted on 25 October 2016 and 107 Rev.L, 136-1 A, 136-2 A, 137-1 A, 137-2 A, 138-1 A, 138-2 A, 136-3, 136-4 and 136-5 and specification contained therein, submitted on 19 May 2017. **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.

Planning Committee: 20 June 2017 **Item Number:** **7**

Application No: W 17 / 0395

Registration Date: 03/03/17
Town/Parish Council: Burton Green **Expiry Date:** 02/06/17
Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

University of Warwick, Land to west of Gibbet Hill Road, Coventry, CV4 7AL

Demolition of the Redfern Halls of Residence and Warden's house and erection of 11 new buildings to provide 794 bed student accommodation and new Warden's house together with 'village hall' and associated parking facilities, drainage work and soft landscaping provisions FOR University of Warwick

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought to demolish the existing Redfern Halls of Residence which provide a total of 214 bed spaces and are no longer fit for purpose and to also demolish the two storey detached Warden's house. Car park 3 is also proposed to be removed. A total of 11 new buildings are proposed to provide a total of 794 bed spaces. They would be laid out in such a way as to provide a mix of studios, apartments and houses, all with ensuite facilities. A new warden's house is also proposed. Part of the concept of redeveloping this area of residential accommodation is to create a student 'village' around which the accommodation is centred. Part of the proposals also therefore include a village hall building which would provide a range of facilities including staff management space, a launderette, post room and a social meeting area. This is envisaged to create a focal point for the new student community.

The table below is intended to provide a summary of the type of accommodation proposed and the way in which it would be laid out in the proposed new buildings:-

Building	Storey Height	No of bed-spaces proposed	Accommodation Type
A	4	91	7 x Studios 7 x 12-bed houses
B	4	91	7 x Studios

			7 x 12-bed houses
C	2	N/A	Village Hall
D	7	72	2 x 6-bed apartments 5 x 12-bed apartments
E	5	70	1 x 6-bed apartment 8 x 8-bed apartments
F	4	91	7 x Studios 7 x 12-bed houses
G	4	96	16 x 6-bed houses
H	4	96	16 x 6-bed houses
I	4	39	3 x Studios 3 x 12-bed houses
J	5	70	1 x 6-bed apartment 8 x 8-bed apartments
K	4	52	4 x Studios 4 x 12-bed houses
L	4	26	2 x Studios 2 x 12-bed houses
M	2	N/A	Senior Warden's House

The proposals also include provisions for cycle stores across the site together with parking provision which would offer a combination of both permanent parking spaces, available throughout the year, as well as 'managed' spaces to offer additional parking provision at times throughout the year when it is required, for example, change over periods at the beginning and end of academic years.

THE SITE AND ITS LOCATION

The application site lies to the southern edge of the University of Warwick's campus and lies close to the roundabout of Gibbet Hill Road and Leighfield Road, which forms the primary entrance into the campus from the south. While the majority of the land to the south and west sides comprise open fields, the existing sports centre lies on the opposite side of Leighfield Road (to the south) and the University's new energy centre has been constructed to the west (approximately 450m away). Between the energy centre and the application site, permission has been granted for the University's new sports hub building although construction on this has not yet begun. An existing car park, labelled 'Car Park 3' on maps and aerial photographs, currently forms the south east corner of the application site, and is in closest proximity to the roundabout. To the north of the site is some additional residential accommodation (Cryfield residences) and further north lies the centre of the campus with a number of other associated buildings.

The wider site of the University of Warwick is dissected by the administrative boundary of both Warwick District and Coventry City. The part of the university site that falls within the administrative boundary of Warwick District and in which the application site lies, is to the south west of the administrative boundary. At the time of writing this report, this is all within the West Midlands Green Belt.

However, it is noted that the emerging Local Plan states that this particular part of the University's campus is to be removed from the Green Belt. While the new Local Plan has not yet been formally adopted, it is at a reasonably advanced stage through its process and there is nothing in the Inspector's Main Modifications (March 2017) to suggest that this is not likely to proceed as per the policy (MS1).

PLANNING HISTORY

W/13/1247 - Redevelopment of site for halls of residence (Outline application with all matters reserved) – Approved 04.12.2013

W/13/0815 - Demolition of buildings nos. 1 to 8 – No objections raised 13.07.2013

W/07/1120 - Development for university purposes including construction of buildings for academic teaching; research; social and administrative uses; sports and cultural facilities; residential accommodation for staff, students and visitors; other ancillary facilities including for the purposes of energy generation; access improvements for pedestrians, cyclists and vehicular traffic including public transport services; car parking; site infrastructure including drainage and mains services; hard and soft landscaping including structural planting (Outline-Masterplan submitted) – Approved 14.10.2009

W/02/1201 - Erection of extension to form staff welfare facility and student laundrette – Approved 30.09.2002

W/76/0197 - Erection of 45 student flats in 5 three storey blocks – Approved 25.03.1976

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)
- 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)
- SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)

- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- MS1 - University of Warwick (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)
- FW2 - Sustainable Urban Drainage (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)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council: Object, on the following grounds:-
- the site is in the Green Belt; there would be no objections to replacement buildings that are not materially larger
- some parts of the new buildings are 5 storeys and would be seen above the tree line
- other residential blocks across the campus are four storeys which is considered an appropriate height
- strongest objection is to the six/seven storey block at the southern end of the site
- in winter when there is no tree cover these will be more obtrusive
- there is a lack of parking spaces
- there has been no engagement with the Parish Council about the proposals

Coventry City Council: No objection

Health & Community Protection (Environmental Sustainabilty Section): No objection, subject to conditions

(WCC) Local Lead Flood Authority: No objection, subject to conditions

Severn Trent Water: No objection, subject to conditions

WCC Highways: No objection, subject to conditions

WCC Landscape: No objection

WCC Ecology: No objection, subject to conditions

WCC Archaeology: No objection, subject to condition

Waste Management: No objection

Warwickshire Police: No objection

ASSESSMENT

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

- the principle of development
- the impact on the character and appearance of the area and surrounding landscape, including the impact on the Green Belt
- the impact on the amenity of neighbouring land uses/residential accommodation
- car parking and highway safety
- drainage and flood risk
- ecological impact
- health and wellbeing
- other issues

The principle of the development

A number of factors are relevant when considering the principle of development. At the time of writing this report the site is still within the West Midlands Green Belt, although regard should also be had to the emerging Local Plan and the impending prospect that this particular site is proposed to be taken out of the Green Belt. There are site-specific policies regarding the University of Warwick in both the saved Local Plan and the emerging Local Plan. There is also an approved Masterplan for the site, although this is nearing ten years old, is undergoing a review, and is due to be updated to reflect the University's changing circumstances and requirements.

Saved Local Plan Policy SSP2: 'Major Developed Sites in the Green Belt'

This policy states that within a number of major developed sites within the Green Belt, as defined on the Proposals Map, appropriate limited infilling and redevelopment for employment or other uses identified in the supporting text as being appropriate for each site will be permitted. One of the major developed sites cited in the policy is the University of Warwick. The explanatory text of the policy at 10.16 sets out the support *in principle* for some further development at the University which has been set out in previous iterations of the Local Plan and associated supplementary planning guidance. At the same time as recognising the University as a higher education institution of national importance, and the need to ensure its continued success, it is important to have regard to all relevant environmental safeguards and, in particular, the designation of the land as part of the Green Belt. Identifying the site as a major developed site within which the various university uses can expand is the most appropriate means of doing this. An area of 43 hectares was identified for this purpose, which reflects the outer limit to development as defined by the University Development Plan 1994-2004.

It is recognised, at this point in time, that the above policy is out of date and refers to supplementary planning guidance that can now only be attributed limited weight by virtue of its age. Consideration should therefore be given to the emerging Local Plan which is set out below.

Emerging Local Plan Policy MS1: 'University of Warwick'

Continuing with the aims of the saved Local Plan, the new Local Plan recognises there are a number of long established major sites which have a unique and important role in the District's economy. The [emerging] Local Plan seeks to support the role that these sites play in the local economy at the same time as ensuring this is carefully balanced against the impacts of development. Where such major sites are in the Green Belt, it is accepted that some development may be necessary where it would support the long term future of the site, securing jobs and bringing benefits to the wider economy.

Policy MS1 states that development at the University will be permitted in line with an approved Masterplan or Development Brief as agreed with the relevant local planning authorities. In the explanatory text it acknowledges the current Masterplan approved in 2009 and recognises the University's plans to update it during the plan period to set out its future vision.

3.146 acknowledges that within the administrative boundary of Warwick District development has been to meet the residential needs of the university; in the past this has involved a recognition that development in the Green Belt will be necessary to allow the university to expand. The predominantly built up nature of the area known as Central Campus West (the area in which this application is proposed) means that this land is no longer appropriate for retention in the Green Belt. Any further development into the Green Belt proposed through any future Masterplan will need to be carefully considered as part of the long term plan for the University across the two local authority areas.

In the Inspector's Main Modifications to the Local Plan (March 2017) no deletions were made to this policy although some new text was added that sets out explicitly what the Masterplan should do. In the explanatory text related to the Central Campus West being taken out of the Green Belt, more new text has been added to state "*Further, the importance of the University in supporting the local economy (as recognised in the Strategic Economic Plan) and the need for the University to be able to grow within its existing boundaries, provide the exceptional circumstances to justify the amending of the Green Belt boundary to exclude the area shown on the Policies Map* (map 7 to which no changes are proposed by the Inspector) *from the Green Belt*." An additional point, 3.146a, sets out that in the event any other development is proposed which is not included in the Masterplan, it will be considered against the overall objectives of the Masterplan.

The approved 2009 Masterplan

In 2007, an outline planning application was submitted to Warwick District Council for an array of works including new buildings for teaching and other associated uses, sports and cultural facilities, residential accommodation for a variety of end users, access and parking improvements and other infrastructure

including drainage and landscaping. This was subsequently approved in 2009 along with a Masterplan for the site that set out the parameters of future development as it was envisaged over a ten year period (up to 2018). An approved plan (0208/D/100 Rev.A) illustrated the extent of the Masterplan proposals and the accompanying information that expanded on the plan was in the form of a bound document entitled 'Main Campus Masterplan 1'.

The Masterplan sets out a number of goals and objectives. Of particular relevance is Objective 5: to provide residential accommodation on or near campus for a high proportion of students and an increasing number of staff to maximise their contribution to campus life. In reality this means planning for an increase of approximately 3000 places in student accommodation on or near campus, and to create a staff village for academics and researchers and their families to feel more integrated with the campus community.

Considering the proposals against the existing Masterplan

The approved Masterplan defines the application site within 'Zone 8' where 6,200sq.m. of new academic and support development could be expected to come forward, up to a maximum of four storeys in height. At the time of the Masterplan's approval it was anticipated that the existing buildings would remain and no provision was made for the redevelopment or demolition of student accommodation in this particular area. A recent review of the University's residential accommodation portfolio identified that the existing Redfern buildings were no longer fit for purpose and modernisation was not viable, for the same reasons as identified for the adjoining former Hurst residences in 2013. Both of these buildings (Redfern and Hurst) were among the earliest residences built at the university in the early 1970's.

An application for prior approval for the demolition of the Hurst buildings was submitted to the Council (W/13/0815). This application reflected the fact that these residences were no longer fit for purpose, being undersized, outdated and incapable of viable modernisation, with an increasing maintenance liability. This justification led to the subsequent approval for their demolition. Further to that, an outline application was submitted for the redevelopment of the Hurst residence site for student accommodation (W/13/1247) and this was approved in December 2013. This approval confirms support for the principle of development on the site, and its re-use for the purposes of student residences. Although this permission has recently lapsed, it is noted that the site of the Hurst residences forms part of the area subject to this application, and therefore it seems that a more holistic approach is being taken to redevelopment, by encompassing the whole of the Redfern and Hurst residences to create the new 'Cryfield Village'.

This current application has been submitted as a full application, rather than an application for approval of reserved matters pursuant to the original outline planning permission (issued in 2009). This is because the applicant's agent recognises that the site was not identified for redevelopment in the original Masterplan. However, they suggest in their planning statement that it reflects the spirit of the Masterplan and the mitigation measures which are embodied in the permission. This is considered further in the following section of this report.

Assessment of Green Belt Policy and the 'Very Special Circumstances' set out by the applicant

The application site is in the Green Belt. As such, it is necessary to consider;

- whether the proposal would amount to inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework)and development plan policy;

- the effect of the proposal on the openness of the Green Belt and;

- if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Paragraph 89 of the NPPF establishes that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. In this instance, the applicant submits that the proposal involves the replacement of buildings in the same use but acknowledges that the replacement buildings would be materially larger than the existing one, and so it is not considered that this exception applies.

The development therefore constitutes inappropriate development in the Green Belt which is, by definition, harmful and should not be approved unless the harm is clearly outweighed by very special circumstances.

This being the case, the applicant has put forward what they consider to be very special circumstances that clearly outweigh the harm to the Green Belt. These are based around six themes:

i. the University's need to grow
ii. consideration of alternative sites around the campus
iii. the site is previously developed land
iv. there is recent planning history for development being permitted on part of the site
v. there are socio-economic benefits which will arise from the development; and
vi. the emerging Local Plan's proposal to remove the site from the Green Belt which can be afforded a degree of weight.

As assessment of the impact of the proposal on the Green Belt and surrounding landscape is provided below, followed by an evaluation of the "very special circumstances" submitted by the applicant:-

The impact on the Green Belt and on the character and appearance of the area and surrounding landscape, including impact

The design rationale for these proposals has taken a long period of time to develop and it is noted that part of this process has involved engagement with

the Local Planning Authority at pre-application stage prior to the formal submission of any application.

It is accepted that the existing buildings that would be replaced cover a smaller area of the site than the proposed replacement buildings. However, consideration should also be given to the footprint that was originally covered by the Hurst residences (since demolished under a separate application). For the most part, the proposals involve replacing four storey buildings (which are no longer fit for purpose and have little architectural merit) with four storey buildings, thus resulting in no greater harm or material impact to the openness of the Green Belt.

The key impacts of this development relate to the proposed five/six storey buildings (of which there are two) and the seven storey building proposed on what is currently Car Park 3, near the roundabout of Gibbet Hill Road and Leighfield Road. Whilst this may sound as though it represents a significant departure from the existing character of the site and would, by definition, be harmful to the openness of the Green Belt, there are site specific considerations that should be borne in mind when making an assessment of the visual impacts of these proposals.

To begin with, the fundamental consideration is the 12 metre levels difference from the north western end of the site, sloping down towards the south eastern end of the site. The junction of the roundabout therefore represents the lowest part of the application site area. Looking at the sections through the site, it is noted that the proposed seven storey building would in fact sit lower, within the skyline, than the four storey building at the other end of the site where the levels are at their highest and on which there are currently four storey buildings present.

The seven storey block has been proposed as a landmark building to announce the entrance to the campus on approach from the south. In preparing their submission, the applicant has undertaken landscape and visual appraisals and provided landscape assessments within the Design and Access Statement. These illustrate the key (distant) views from which the site could be seen as well as illustrating how the building would appear from Gibbet Hill Road on entering the campus. It is acknowledged that a building of this height would be seen. But simply being able to seen does not automatically equate to material harm.

It is acknowledged that earlier permissions and the Masterplan (when it was first being considered), made reference to four storeys being the maximum building heights. It could be argued, therefore, that the principle of a seven storey building should automatically be rejected. However, regard has to be had to other material considerations set out in this report that indicate that such a building is acceptable. Ultimately, this specific red line site area was not included in the Masterplan, because ten years ago the need to replace the Redfern halls was not envisaged. Had the site been considered as part of the Masterplan, it is likely that Car Park 3 would have been excluded since the applicant suggests it has only recently been included as part of the development site. The reason it was included was to ensure the site as a whole enabled a better spread of development to minimise any sense of overdevelopment.

It follows that a seven storey building elsewhere on the site would most likely result in material visual harm because of the levels differences. However, the site of Car Park 3 is significantly lower than the rest of the site and therefore the principle of a seven storey block at this end can be given legitimate consideration, especially since this site is not part of any previous limitation on maximum storey heights.

The five/six storey buildings are positioned close to the existing Cryfield buildings and therefore further towards the central campus area. As such, it is considered that these would not be as prominent when viewed from the south and would be largely screened by the number of other buildings proposed in front of them.

Overall, whilst the addition of two five/six storey buildings, plus a seven storey building, would result in a change to the historic character of the Redfern/Cryfield residences, change does not automatically equate to harm. The proposals, when considered as a cumulative layout and design concept, are considered to reflect the changing circumstances and requirements of the University. Moreover, if it is to meet the requirements for additional bed spaces, consideration must also be given as to whether it would be preferable to maintain a consistent four storey height across the site which would mean providing several more buildings to encompass the required bed spaces, or to minimise the sprawl across the site and use the lowest parts of the site to allow for taller buildings, thus incorporating additional bed spaces contained within the same footprint.

In Green Belt terms, having regard to the extent of the site area and the scale of development already proposed, it is considered that the best and most efficient use of land is being proposed through the introduction of taller buildings at the lower end of the site, rather than introducing an even greater footprint of buildings sprawling across the site than is already proposed. In reality, the skyline should not be significantly affected by these additional buildings on the basis that the four storey building near the North West site boundary will be read as the most dominant roof height, standing taller than the seven storey block at the opposite end of the site.

Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. In simple terms, openness means the absence of development rather than the presence of development in any particular area. Some of the proposed buildings, in particular the seven storey building, are proposed in areas of the site where there is presently no built form. It follows therefore that the development would result in some adverse impact on the openness of the Green Belt.

Nonetheless, the appearance of the development and the relationship to its surroundings may be relevant to the consideration of the existence of very special circumstances in the weighing exercise.

The different types of accommodation proposed within the blocks are intended to have their own individual identities, whilst being constructed from a similar pallet of materials that sticks to the basic principles of brick (albeit of varying shades and colours) this reflecting the character and identity of the existing

accommodation which would form part of this wider 'student village'. The use of some cladding is proposed to add some visual interest and break up long elevations of some of the terraced blocks and it is considered this is an appropriate method. Due to the position of the site on the edge of the campus, it is considered necessary to impose a condition requiring that samples of all materials proposed to be used are submitted for approval prior to the commencement of any works. This will ensure that the most appropriate finishes are secured for the development as a whole.

Overall, officers are satisfied, having regard to all of the above considerations that the development would not result in harm to the character of the area sufficient to justify a refusal of permission. Accordingly the development complies with saved Policy DP1 of the Local Plan and emerging policy BE1 of the New Local Plan.

Further, it is considered that the harm to the openness of the Green Belt is limited. However, as the proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful, it is necessary to consider whether there are very special circumstances that clearly outweigh the harm.

Assessment of Very Special Circumstances

The University's need to grow

Objective 5 of the Masterplan sets out the requirement to provide a certain amount of residential accommodation over the ten year period. An assumed increase of around 3000 bed spaces with around 2000 of those expected to be on campus. The Masterplan also sets out as one of its parameters the expectation that there would be 57,000 sq.m. developed for residential accommodation over the ten year period. To date, only 37,000 sq.m. has been built or is under construction and this has provided around 1000 bed spaces. As well as the clear need to fulfil the objectives of the Masterplan in this regard, the University's review of the accommodation portfolio not only looked at the physical accommodation available but also undertook student surveys about the way in which students would prefer to live. This identified a significant gap in the existing portfolio, in particular, for final year/postgraduate/mature students who may wish to return to campus for study but are not able to at the current time.

Of the 6,400 bed spaces currently provided on campus, the type of accommodation blocks in which these exist, have given rise to students from similar social backgrounds being grouped together, with similar rental costs, thus limiting the potential for social integration and cohesion. A need has therefore been identified to develop a more varied approach, with buildings incorporating a range of unit sizes, rents and a better sense of community overall.

The proposal is therefore considered to accord with the overall objectives contained within the Masterplan, to provide more accommodation on campus. Further, it is within the overall floor space parameter in the Masterplan and would simply replace existing accommodation which is no longer fit for purpose.

Alternative sites around campus

This particular site has been selected only as a result of an extensive review being carried out of all other potentially suitable sites on the campus. This included sites within existing development areas identified in the Masterplan but also included other sites not considered ten years ago when the Masterplan was being developed. Of the high level review that identified 8 potential sites, this was further narrowed down to 4. Of these four, three were areas in the Green Belt which are not proposed to be taken out of the Green Belt in the new Local Plan and aside from this, quite fundamental obstacle, were ruled out due to other factors including (for example) not being a large enough site to accommodate the level of development proposed and its proximity to other uses whereby it may not be the most compatible/appropriate type of development.

This review of other sites therefore identified the application site put forward in this submission as the most suitable overall, in all respects, and this selection is strengthened, not only by the fact this site is to be taken out of the Green Belt, but also due to the earlier permissions granted for the demolition of the Hurst buildings and their redevelopment for residential accommodation to provide more bed spaces than the site previously accommodated.

Previously developed land

The NPPF states that the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt can be considered 'appropriate development'. In this instance, the applicant submits that these proposals involve the redevelopment of such a site but acknowledges that while the replacement buildings would be largely on the same footprint as the existing buildings and would remain in the same use, the scale and height would be greater than that which currently exists. However, the landscape and visual appraisals and other supporting information undertaken conclude that the proposed development would have no greater impact on the openness of the Green Belt. This particular point is considered further in the relevant section below.

Recent planning history on part of this site

It is a material consideration that in 2013 outline permission was granted for the redevelopment of the recently demolished Hurst halls of residence which fall within part of the red line site area as submitted in this application. Although this permission has just recently lapsed the applicant submits that this provides a highly relevant precedent that confirms the principle of this site for student accommodation.

Moreover, officers consider that it is of equal relevance that in beginning to review the Masterplan in light of it reaching the end of its original ten year period (to 2018) it is not unreasonable to expect the University to take a more holistic approach in how best to achieve one of their core objectives of providing additional residential accommodation, and therefore look to completely redevelop this whole site in its entirety rather than just a part of it. This also interlinks with the statement made in their submission that when the Masterplan

was first being considered ten years ago, prior to its final adoption, it was not envisaged then that the Redfern buildings would need to be replaced. However, in the decade that has passed, a recent review has since confirmed the need to replace these buildings, as set out in an earlier section of this report.

Socio-economic benefits of the development

It is widely acknowledged what a significant contribution the University makes to the local economy. By way of a summary, it makes a significant contribution to the West Midlands economy of circa £520 million a year, with a student population of around 25,000 supported by 6,000 staff. Its Science Park is home to 123 companies employing 2,500 people and its Art Centre hosts 1,250 events a year attracting audiences of 750,000.

The University continues to grow and according to both The Guardian and The Complete University Guide (for 2017-2018) Warwick is ranked as #8 (out of 129 universities and institutes of higher education). It follows that the University wants to continue to develop and attract new students to its campus which in turn ensures the ongoing contribution to the local economy. Based on data held from 2016 records, University students spent £151 million within the Coventry and Warwickshire LEP area and total economic activity associated with the students of the University was £206 million GVA and 5,300 jobs for 2015/16.

The new Cryfield Village project would be part of a wider capital projects investment programme, which between 2010 and 2020 would see the University investing an average of £59 million each year, and supporting 600 jobs.

Emerging Local Plan and the proposal to remove this site from the Green Belt

As set out earlier, the emerging Local Plan seeks to remove this particular part of the campus from the Green Belt on the basis that the type of land and the way in which it has been developed historically no longer renders it appropriate for retention in the Green Belt. Given the advanced stage of the Plan and the fact the Main Modifications, published since this application was submitted, strengthens this assertion with additional text, as well as the need to continue to support the University so far as is appropriate given all other material considerations, officers consider weight can be afforded to this policy.

However, irrespective of whether or not the site were to come out of the Green Belt and how soon this is likely to happen, the development must be considered on its own merits in accordance with the extant Local Plan, having regard to all of the above relevant and material considerations.

Conclusions on the principle of development

Taking into account all of the above and the conclusion that the proposal causes only limited harm, it is considered that, cumulatively, the matters referred to at (i) to (v) above amount to very special circumstances that clearly outweigh that harm to the Green Belt, and that the proposal is acceptable in principle.

The fact that this particular proposal is not explicitly included within the original Masterplan should not automatically preclude it from consideration. This is not

only due to the fact that the Masterplan is nearing the end of its ten year plan period and is under review, but also due to the fact that the proposals to redevelop existing residential accommodation which is no longer fit for purpose, while at the same time providing a substantial increase in the number of bed spaces on campus, is in accordance with the core objectives of the original outline permission that included the original Masterplan.

Design

The proposed layout of the buildings follows a relatively simple and linear arrangement, with each block either running parallel or perpendicular to the next nearest building. Adequate spacing between buildings allows permeability and clear visual links through the site, where buildings are orientated such that they largely front the paths and cycle ways through the site and/or create courtyards onto which two or three buildings overlook.

Almost all of the buildings are four storeys in height, reflecting the character of the existing buildings on the site at present. The exception is the proposed seven storey building at the lowest part of the site in the south east corner. All the proposed buildings would follow similar design principles but materials are varied to break up the development and add visual interest.

The character of the site is defined by brick buildings set within a sloping landscape surrounded by mature trees. Circulation routes are such that vistas are usually framed between trees and corners of buildings. The applicants have sought to retain this character and accordingly, the main materials for the facades of each building would be brick, drawn from three distinct colours; grey, red and buff. Adjacent blocks would be built with a different brick to add interest and variety. Timber, concrete and steel cladding, along with metal work is also proposed to add further detail to the elevational treatments and give a contemporary feel overall.

The layout of the buildings, together with their design and the choice of materials is considered to be visually appropriate to the character of the site and its setting within the wider context of the campus and the scheme is therefore considered acceptable in this regard.

The impact on the amenity of neighbouring land uses / residential accommodation

This part of the site sits on the southern edge of the built up area of the campus, with open fields predominantly surrounding it. The nearest other buildings would be the existing Cryfield residences to the north. These are large sprawling buildings that provide additional residential accommodation for students and at the closest point are located 10m away from the proposed new buildings (rear to side relationship) and 18m away (rear to rear relationship). Notwithstanding the scale and nature of the proposed replacement buildings, regard has been had to the fact that the existing Redfern buildings are four storeys in height and are currently configured in a ‘U-shape’ courtyard setting where a number of elevations have direct facing relationships with other buildings. The replacement buildings are not arranged in a courtyard style layout but are placed in mire linear arrangements, with buildings sitting behind or adjacent to one another.

Many of them are also staggered and therefore share more oblique relationships in terms of windows which would minimise any potential for direct overlooking.

In terms of the height proposed the vast majority of the replacement buildings are still four storeys, i.e., no greater than the scale of the original Redfern halls. It is therefore not anticipated that the redeveloped site would give rise to any greater harm to residential amenity than the existing situation. In terms of the taller buildings (total of three) these are located on parts of the site where they would have no direct impact on the amenity of other occupiers by reason of either their distance away from other buildings and/or their relationships (angles to other buildings).

Overall, the proposed redevelopment of the site is not considered to give rise to any material harm to neighbouring amenity and accordingly is considered to comply with saved Policy DP2 of the Local Plan and emerging policy BE3 of the New Local Plan.

Access, car parking and highway safety

The primary vehicular access into the site from Leighfield Road and the main spine route would continue to be taken from the existing access that currently serves Car Park 3. There would be a secondary access to the west providing a dedicated access to the Warden's House (similar to the existing situation). Both access routes are envisaged to be used predominantly by pedestrians and cyclists, although they would enable access for emergency, refuse and maintenance vehicles as well as disabled car parking. The main access would also provide a route for vehicles accessing halls of residence for a short period of time at the start and end of the academic year when students are moving in / out.

The primary pedestrian routes through the site run parallel with the existing Sustrans route 52 (approved through earlier permissions and already implemented) which runs west to east towards the existing campus centre.

The development proposes 17no. disabled parking spaces to serve the accessible student rooms, as well as a small parking area for the management and maintenance teams. A number of covered cycle storage facilities are proposed across the site which could accommodate 188 bicycles.

A total of 22no. permanent car parking spaces on site are proposed. In addition to this there are 27no. Pay and Display spaces just outside the red line site area along the western boundary. Students are not permitted to keep cars on campus and, accordingly, parking is not to be provided for students living on site. In recognition of the fact that the start and end of academic years will get busier with students moving in/out of buildings, there is provision for an additional 33no. parking spaces, to be managed and used on a short term basis only to allow for loading and unloading.

The County Highways Authority initially raised objection to the development, on the basis that it was unclear what the starting position was for parking; i.e. there have been other approved developments at the campus, within the vicinity, which would add to the parking quota and it was unclear whether or not

these had been considered. An addendum to the original Transport Assessment (TA) was submitted for consideration which confirmed that all existing and committed car parks were included in the original TA and accordingly, the Highways Authority removed its objection.

Having regard to all of the above officers are satisfied that the development would not be detrimental to highway safety and sufficient parking is provided as part of the proposals. Overall, the development accords with saved Policies DP6 and DP8 of the Local Plan and emerging Policies TR1 and TR4 of the New Local Plan.

Drainage and flood Risk

A flood risk assessment was submitted with the application confirming the site is in Flood Zone 1 and providing a drainage strategy. Both the Lead Local Flood Authority and Severn Trent Water have raised no objections to the development but recommended a condition in relation to drainage (both surface and foul water). The applicant submitted some additional information through the course of the application and in relation to drainage, suggested that the strategy initially submitted covers the requirements of the condition. At the time of writing this report, neither statutory consultee has confirmed that the information is sufficient to negate the need to impose a pre-commencement condition so the requirement to impose this condition to any forthcoming permission currently still stands. Overall however, officers consider the development is acceptable in this regard and therefore accords with saved policy DP11 of the Local Plan and emerging policy FW2 of the New Local Plan.

Ecological impact

Ecological appraisals were submitted with the application and ongoing discussion has taken place between the County Ecologist and the applicants. This has generated the submission of additional supporting information and the final consultation response from the County Ecology team confirmed there was no longer any need to impose some of the conditions initially requested in the first response. At this stage, should permission be forthcoming for the development, there is only a requirement to require further detailed bat activity surveys and a detailed schedule of bat mitigation. Overall, officers are satisfied that the development is acceptable in this regard and therefore accords with saved Policy DP3 of the Local Plan and emerging Policy NE2 of the New Local Plan.

Other matters

Archaeology

Information was submitted with the application in this regard, including a Written Scheme of Investigation (WSI). The County Archaeology team has noted that there is no objection in principle to the development subject to the standard condition requiring a WSI, post evaluative works and a mitigation strategy. At the time of writing this report, the County Archaeologist has not confirmed whether or not the WSI already submitted would negate the need for part (a) of this condition to be imposed so the condition in its entirety must remain in the event permission is forthcoming.

Land contamination

Historical maps indicate that a former pond has been backfilled with an unknown material within the footprint of the proposed development site which could present a risk to site users. The proposed development is also within influencing distance (<250 metres) of a former landfill site known as Cryfield Grange Gibbett Hill. The Environmental Health Officer (EHO) advised in the initial response that there is little information regarding the former landfill use, therefore this could present a potential ground gas risk to the development. To ensure that these matters are sufficiently investigated, a planning condition would be necessary to require a desk-top study and any site investigation deemed necessary.

Further to these initial comments, the applicant has provided a desk-top study and a site investigation has been carried out. A further report detailing the results has been submitted. The EHO has been re-consulted and is broadly with the content of the report, however, notes that it makes some recommendations with no further detail in the report as to whether or not this has been followed up. Accordingly, a revised condition is now recommended in this regard, requiring only the specific assessments for the site to be carried out along with a condition detailing what should be done in the event any contamination were to be found.

Overall, officers are satisfied with the development in this regard and appropriate conditions are recommended to deal with any outstanding matters in this respect. The development therefore accords with saved Policy DP9 of the Local Plan.

Crime and safety

Warwickshire Police have raised no objection to the development but made some recommendations within their comments. The applicant has picked up on these and confirmed in subsequent correspondence that security of the buildings, doors and windows would conform to Secured by Design whilst still ensuring safety for occupiers to escape the building in the event of an emergency. Officers are satisfied that the development is acceptable in this regard.

Open space

No public open space is to be provided as part of the development. Comments from the Open Space Team are awaited at the time of writing this report, as to whether or not a contribution would be required together with the necessary justification for the enhancement of existing public open space close to the site. This will be reported to committee through the Additional Observations update.

Renewables

The submitted Sustainable Buildings Statement incorporates a number of technologies and measures that could be implemented across the development, however, calculations have not been included at this stage as to how this will generate the required 10% energy requirements to be produced on site through renewables or a fabric first approach in accordance with saved policy DP13. The

standard condition requiring these details prior to the commencement of development should therefore be imposed on any forthcoming permission.

SUMMARY/CONCLUSION

The principle of development has been considered having regard to a number of factors, including the relevant policy provisions of both the saved and the emerging Local Plans, as well as the approved Masterplan. However, it is recognised that the Masterplan is nearing the end of its ten year period of adoption and is under review to take account of the University's changing circumstances and requirements as it continues to expand.

The Emerging Local Plan (ELP) proposes the removal of this site from the Green Belt. Given the advanced stage of the ELP, and considering the modifications and additional text in the policy relating to the University proposed by the Inspector, this is a material consideration which is afforded substantial weight. Notwithstanding this, it is considered that the proposal would cause only limited harm to the Green Belt and that the harm is clearly outweighed by the very special circumstances set out above.

Overall, the principle of development is therefore considered to be acceptable. There would be no unacceptable visual harm to the character and appearance of the surrounding area and no harm to the amenity of neighbouring land uses and existing buildings. The proposal would not be detrimental to highway safety and matters related to drainage, ecology, archaeology and contaminated land can all be adequately mitigated through the imposition of appropriate conditions.

For all these reasons it is recommended that planning permission be granted subject to the conditions and notes set out below.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings P0103-RHP-CS-XX-A-1005-3, P0103-RHP-CS-XX-A-1006-3, P0103-RHP-CS-XX-A-1010-2, P0103-RHP-CS-XX-A-1200-8, P0103-RHP-CS-GF-A-1100-13, P0103-RHP-CS-01-A-1101-11, P0103-RHP-CS-02-A-1102-11, P0103-RHP-CS-03-A-1103-11, P0103-RHP-CS-04-A-1104-11, P0103-RHP-CS-05-A-1105-11, P0103-RHP-CS-06-A-1106-11, P0103-RHP-CS-RF-A-1107-4, P0103-RHP-BA-XX-A-2000-1, P0103-RHP-BA-XX-A-2001-1, P0103-RHP-BA-XX-A-2005-2, P0103-RHP-BA-XX-A-2006-2, P0103-RHP-BB-XX-A-2010-1, P0103-RHP-BB-XX-A-2011-1, P0103-RHP-BB-XX-A-2015-2, P0103-RHP-BB-XX-A-2016-2, P0103-RHP-BC-XX-A-2020-1, P0103-RHP-BC-XX-A-2025-2, P0103-RHP-BD-XX-A-2030-1, P0103-RHP-BD-XX-A-2035-1, P0103-RHP-BD-

XX-A-2036-1, P0103-RHP-BE-XX-A-2040-1, P0103-RHP-BE-XX-A-2045-2, P0103-RHP-BE-XX-A-2046-2, P0103-RHP-BF-XX-A-2050-1, P0103-RHP-BF-XX-A-2051-1, P0103-RHP-BF-XX-A-2055-2, P0103-RHP-BF-XX-A-2056-2, P0103-RHP-BG-XX-A-2060-1, P0103-RHP-BG-XX-A-2061-1, P0103-RHP-BG-XX-A-2065-2, P0103-RHP-BG-XX-A-2066-2, P0103-RHP-BG-XX-A-2067-2, P0103-RHP-BH-XX-A-2070-1, P0103-RHP-BH-XX-A-2071-1, P0103-RHP-BH-XX-A-2075-2, P0103-RHP-BH-XX-A-2076-2, P0103-RHP-BI-XX-A-2080-1, P0103-RHP-BI-XX-A-2085-2, P0103-RHP-BJ-XX-A-2090-1, P0103-RHP-BJ-XX-A-2095-2, P0103-RHP-BJ-XX-A-2096-2, P0103-RHP-BK-XX-A-2100-1, P0103-RHP-BK-XX-A-2101-1, P0103-RHP-BK-XX-A-2105-2, P0103-RHP-BK-XX-A-2106-2, P0103-RHP-BL-XX-A-2110-1, P0103-RHP-BL-XX-A-2115-2, P0103-RHP-BM-XX-A-2120-1, P0103-RHP-BM-XX-A-2125-2, P0103-RHP-XX-XX-A-2130-1, P0103-RHP-XX-XX-A-2131-1, P0103-RHP-XX-XX-A-2175-1, P0103-RHP-XX-A-2176-1, P0103-RHP-XX-XX-A-2177-1, P0103-RHP-BD-XX-A-2178-1,
UAG3297_A (Sheet 1), UAG3297_A (Sheet 2), B00802-SWH-ZZ-XX-M2-D-550-P04, 457/100, 457/200, 457/500, 457/120, RESRPA-JAN17, RESTRP-JAN17,
C118397-04, C124214-B1.2, C124214-C3.2a, C124214-C3.2b, C124214-D, C124214-E3.1, C124214-E4a and SK600 and specification contained therein, submitted on 3 March 2017. **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 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.

4 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 and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall be subsequently implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
a. Carry out infiltration testing in accordance with BRE 365 guidance to clarify whether infiltration into the ground is a viable means of disposing of surface water.
b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753

c. Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBAR runoff rates for all return periods.
d. Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in "Science Report SC030219 Rainfall Management for Developments"
e. 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 storms 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.
f. Evidence from Seven Trent Water (STW) will be required granting approval of discharge of sewerage to their assets including discharge rate and connection points.
g. Demonstrate overland flood flow routes in case of system failure, through hydraulically modelling the floodwater outline, indicating flood flow depths and velocities.
h. Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the maintenance company and a contact for who will be responsible for the site shall be provided to the LPA.
i. No development shall take place within 8metres of the top bank of any ordinary watercourse.
REASON: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

5 No part of the development hereby permitted shall be commenced until an appropriate ground gas risk assessment for the site has been undertaken and the results of this assessment have been submitted to and approved in writing by the local planning authority. If the assessment identifies that gas protection measures are necessary, the applicant must submit details of these gas protection measures to the local planning authority for approval. Once approved, the gas protection measures shall be installed in strict accordance with the approved details and no part of the development shall be occupied until a verification report confirming that the gas protection measures have been installed has been submitted to and approved in writing by the local planning authority. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of the measures identified in the approved remediation

scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

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

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

8 The development hereby permitted (including demolition) shall not commence until a further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

9 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.

10 Prior to the first occupation of the development hereby permitted, a Car Parking Management Strategy shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out and maintained in accordance with these approved details. **REASON:** In the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

11 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

12 The development hereby permitted shall only be undertaken in strict accordance with the details of both hard and soft landscaping works illustrated on approved drawings 457/100 and 457/200 received on 3 March 2017 and the additional information in relation to the planting mix received on 7 June 2017. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of 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 ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

13 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

Planning Committee: 20 June 2017 **Item Number:** **8**

Application No: W 17 / 0440

Registration Date: 14/03/17
Town/Parish Council: Barford **Expiry Date:** 13/06/17
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Land off, Bremridge Close, Barford
Erection of 63 dwellings together with all ancillary works including, infrastructure, surface water attenuation measures and on-site open space provision. FOR Tayor Wimpey West Midlands Ltd

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement.

DETAILS OF THE DEVELOPMENT

This is a full planning application for the erection of 63 dwellings together with all ancillary works including surface water attenuation measures and on-site open space provision.

The proposal provides the following development:

38 Private Dwellings with the following mix;

2 x 1 bed.
10 x 2 bed.
17 x 3 bed.
9 x 4+ bed.

25 Affordable Dwellings (Rented, Affordable and Shared Ownership) with the following mix;

4 x 1 bed.
11 x 2 bed of which 2 units are single storey bungalows.
8 x 3 bed.
2 x 4 bed.

THE SITE AND ITS LOCATION

The application site is located on the edge of the village of Barford. The site is made up of two parcels of agricultural land forming an approximate 'L' shape. The two parcels of land are separated by an existing hedge line. The site is

currently accessed from Bremridge Close via an existing field gate serving the land.

The site is bound to the north by a parcel of land currently being developed by Waterloo Housing for 9 dwellings fronting onto Westham Lane. The east of the site is bound by predominantly residential properties that front the main Wellesbourne Road at the north east of the site and properties located on Bremridge Close to the south east. This boundary is predominantly made up of mature hedgerows. The southern boundary is bounded by additional properties on Bremridge Close and a landscape bund and row of trees forms this boundary. The south western boundary of the site is bounded by the A429 bypass whilst the north western boundary is flanked by open countryside.

The land is predominantly flat with no significant levels changes across the site.

The majority of the land is arable grassland in nature with a number of tree species limited to the boundaries of the site.

PLANNING HISTORY

No previous planning history on application site.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- 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)
- DP5 - Density (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)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (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)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS11 - Allocated Housing Sites (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)
- H10 - Bringing forward Allocated Sites in the Growth Villages (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)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NP1 - Neighbourhood Plans (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)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Barford Village Design Statement (September 2009)
- Barford Neighbourhood Development Plan 2014-2029

SUMMARY OF REPRESENTATIONS

Barford Sherbourne and Wasperton Joint Parish Council - Objection on the following grounds;

- Not in compliance with existing Local Plan.
- Outside Village Envelope as defined in Local Plan and Barford Neighbourhood Plan.
- Fails to comply with Barford Neighbourhood Plan.
- 2013 Housing Needs Survey has been satisfied with existing developments.
- Site not identified in SHLAA.
- Access appears to be over 3rd party land.
- Access is already problematic.
- Exceeds WCC Guidelines on number of dwellings served by a cul-de-sac.
- Phasing Plan will cause harm to neighbouring amenity.
- 3m wide emergency access and pedestrian link is of limited value.
- Development will compromise operation of bat barn.
- Village infrastructure will struggle to cope with additional dwellings.
- Not enough school places in village.
- Drainage system is insufficient.
- On-site bat habitat has already been destroyed including removal of trees and site clearance.
- Applicant's SCI is token effort.
- No need for this development.

- If minded to approve, Section 106 contributions towards Open Space and Recreation facilities, Community Facilities and Local Footpaths need to be provided

WCC Fire and Rescue: No objection subject to condition requiring appropriate water supplies for firefighting purposes to be provided.

Warwickshire Police: No objection.

Natural England: No objection. Refer to standing advice.

WCC Local Lead Flood Authority: No objection, subject to detailed surface water and drainage scheme condition.

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

Warwickshire Wildlife Trust: Objection on grounds of harm to protected species as a result of the development and loss of biodiversity.

South Warwickshire NHS Foundation Trust: Request Health Care Contribution of £65,517.81 to provide additional facilities to meet increased patient demand.

Highways England: No objection.

WCC Rights of Way: No objection. Request contribution of £3,813 towards improvements to public rights of way within a 1.5 mile radius of site to mitigate for increased use as a result of the development.

WCC Archaeology: No objection, subject to an Archaeological Written Scheme of Investigation condition.

WDC Health and Community Protection - Environmental Sustainability Section: Air Quality Mitigation is required. Proximity of dwellings to main A429 requires mitigation to prevent harm. Submission of Construction Management Plan condition is required. No issues relating to land contamination.

WCC Landscape: Insufficient landscape buffer provided. Additional planting required to create a softer edge between houses and countryside.

WCC Highways: No objection, subject to Section 106 contributions for highways improvements.

WCC Ecology: Objection due to biodiversity loss on site and the potential impact on protected species. Require additional survey works to be carried out.

Public Response - A total of 85 letters of objection have been received, making the following comments:

- Additional traffic unacceptable.
- Construction traffic will have difficulty accessing site.
- Harm to highway safety.
- Will harm the existing bat barn and make its future use unlikely.
- Contrary to County Highways Guidelines for vehicles accessing a cul-de-sac.
- Lack of local infrastructure to support new development of this scale.
- Contrary to Neighbourhood Plan as it is outside the development boundary.
- Design is inappropriate for Barford.
- No need for further development in Barford.
- Harm to nearby Listed Buildings.
- Lack of employment opportunities in the village for future occupiers.
- H48 Allocation has not yet been ratified.
- Loss of privacy and amenity to neighbouring properties.
- Phasing plan will create long term disruption to neighbouring properties.
- Contrary to Barford Housing Needs Survey.
- Contrary to findings of the SHLAA.
- Will not create an integrated community.
- Barford is losing its village appearance - it is not a town.
- Loss of high grade farm land.
- Lack of on site parking provision exacerbating local parking pressures.
- Barford has already exceeded its target of 100 homes with 111 already approved.
- Emergency access is of insufficient width.
- Loss of important wildlife corridor.
- Additional noise and pollution.
- Inadequate drainage to cope with additional demand.
- Westham Lane is inadequate for deliveries and cannot be used.

ASSESSMENT

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

- Principle of the development
- Affordable Housing
- Siting and design
- The impact on the living conditions of nearby dwellings
- Impact on future occupiers
- Air quality
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Ecology/landscaping
- Renewable Energy

Principle of the development

Five Year Housing Land Supply

The most up to date Five Year Housing Land Supply (5YHLS) figures state that as of 1 April 2017, the Local Planning Authority is able to demonstrate a 6.62 year Housing Land Supply. In this respect, as a supply in excess of the 5 year supply (plus 5%) buffer has been demonstrated, the provisions of Paragraph 14 of the NPPF do not apply. Therefore, the housing policies of the Local Plan are no longer considered out of date for the purposes of decision making where they are in general conformity with the NPPF.

The Adopted Local Plan

Policy RAP1 refers to directing new housing in rural areas. The village of Barford in this Policy is identified as a limited growth settlement insofar as it has a basic range of facilities capable of supporting day to day living together with frequent transport links to larger settlements. Housing development within this policy is limited to housing subject to a locally identified need and located on previously developed land.

The proposed development is located on arable land on the western edge of the village. The land is therefore not classified as previously developed land for the purposes of RAP1. The dwellings have also not been provided to meet a specific local housing need.

National Planning Policy Framework

Paragraph 49 of the NPPF states that housing applications should be considered with a presumption in favour of sustainable development.

The village of Barford is identified as a limited growth settlement in the existing Local Plan insofar as it has a basic range of facilities capable of supporting day to day living without being reliant on the private car. Housing development within this policy is limited to housing subject to a locally identified need.

When assessing what is sustainable development in the context of the NPPF, there are three strands of assessment; An Economic Role, a Social Role and an Environmental Role.

The Emerging Local Plan

The application site is allocated in two parcels within the emerging Local Plan. The smaller land parcel identified as H22 which lies immediately adjacent to the existing dwellings on Bremridge Close, was always incorporated within the emerging plan.

Following the Inspector's assessment of the Plan in 2015, the Council suspended the Local Plan process to allow further work to be carried out to identify additional sites for housing in order to accommodate the overspill of housing requirements arising from Coventry.

In identifying additional sites, the second parcel of land, the subject of this application, was identified as H48. Together, these two parcels of land have been incorporated within the Plan Modifications as Housing Allocations within the emerging Development Plan. In addition, the site plan within the Plan Modification document identifies the whole site as falling with the 'Growth Village Envelope' of the village of Barford for the purposes of Policy H10 of the emerging plan.

Policy H1 of the emerging plan directs new housing development to the Urban Areas of the District together with sites within the identified Growth Villages and new housing development is generally acceptable in these locations. Barford is identified as a growth village within the emerging Local Plan and as such is deemed as an appropriate location for directing new housing.

As the Council can now demonstrate a 5YHLS, and the stage the emerging plan has reached means that it can be afforded significant weight. It is also noted that the methodology for identifying appropriate areas for new housing is the most up to date which add further weight to the proposed policies.

The Barford Neighbourhood Development Plan

The Barford Neighbourhood Development Plan (NDP) was 'made' (brought into legal force) on 10 October 2016 following a referendum held on 06 October 2016, in which the majority voted in favour of the Neighbourhood Plan. The Neighbourhood Plan is therefore part of the Development Plan for decision making purposes.

The development boundary of the NDP incorporates the allocation H22 but excludes the area identified within the Local Plan Modifications as H48. Therefore, there is a conflict between the emerging Plan and the adopted Neighbourhood Development Plan.

Officers recognise that the adopted NDP is a formal part of the Development Plan and is a significant material consideration within the decision making process. Officers also recognise that the emerging Local Plan is yet to be

adopted with the Proposed Modifications in place incorporating a differing development boundary and housing allocation site.

However, it is important to note that the NDP does allow for development outside of the identified boundary where development is in accordance with the policy of the emerging Local Plan, which the application site is by virtue of being an allocation.

The application meets the exception criteria as set out within Policy B1 of the NDP insofar as the emerging Local Plan identifies all of the land the subject of the application site housing allocations.

Conclusion on Matters of Principle

The application by definition is premature insofar as the emerging Local Plan has not yet been formally adopted and the site is identified as a housing allocation within the emerging document. However, the Local Plan is in the final stages of modification and can be afforded significant weight in the decision making process.

Taking the key housing Policy of the Barford Neighbourhood Development Plan as the starting point for decision making in this case, the development is considered contrary to the key headings of acceptable new residential development. However, significant weight is afforded to the exceptions as identified with Policy B1 of the NDP.

When the exceptions of the NDP are factored in to the advanced stage of the emerging Local Plan, Officers are satisfied that the residential development of this site is acceptable in principle.

Housing mix

Policy SC1 of the Warwick District Local Plan 1996-2011 requires residential development to make provision for a range of sizes and types of dwellings, and the Council has also published a supporting Policy Guidance document "Guidance on the Mix of Market Housing on New Development Sites". The housing mix in the policy guidance reflects the findings of the Strategic Housing Market Assessment (SHMA) (March 2012) in terms of the future demand for housing. The document is consistent with the NPPF and was agreed by the Council's Executive on 19th June 2013. However, this document has not been through the formal development plan framework process and does not have the status of a supplementary planning document.

The proposed housing mix for this development is as follows:

Bedrooms	Total Units	Proposed Percentage	WDC Requirement	Difference
1	2	6%	7%	-1%
2	10	27%	26%	+1%
3	17	45%	43%	+2%
4+	9	24%	24%	+/-0%

The development has been designed in accordance with the guidance contained within the Policy Guidance documents and Officers are therefore satisfied that the housing mix is acceptable.

Affordable Housing

The scheme is for 63 dwellings which attracts a requirement for 40% to be affordable units. A total of 25 dwellings are shown to be affordable housing units, in accordance with the policy requirement, with a split as follows;

Bedrooms	Total Units	Percentage
1	4	16%
2	11	44%
3	8	32%
4	2	8%

In terms of tenures, the affordable units are identified as a mixture of rented, affordable and shared ownership properties with the following split;

Tenure	Total Units	Percentage
Rented	16	64%
Affordable	6	24%
Shared O/Ship	3	12%

The site layout has been designed so that the affordable units form small groups or clusters throughout the site. Officers are satisfied that the affordable units have been adequately spread across the site whilst still retaining an element of clustering. With affordable housing, the general consensus is that a certain amount of clustering is considered appropriate and can make it easier for Housing Associations to manage the units. For this reason Housing Associations rarely wish to see affordable housing spread throughout sites in ones and twos (pepper potted) and Officers are satisfied that the layout of the development achieves this objective.

Siting and design

The Council's Garden Towns, Villages and Suburbs prospectus seeks to create a leafy and green character of neighbourhood. In terms of layout the prospectus does not call for regimented blocks but states that the blocks should be well-defined in perimeter.

The proposed scheme incorporates a mix of dwellings predominantly accessed off a central spine road. Additionally, a number of the proposed dwellings are accessed via small private drives. The use of double fronted properties on corner plots provides an improved street scene by avoiding have side elevation facing the public domain in prominent locations within the site and so add interest to the overall mix of

The resultant development intersperses the scale of dwellings throughout the site leading to a pleasant mix within the street scene.

In terms of materials, a mixture of materials is proposed across the site. Red facing brick is the predominant material with a mixture of grey and brown roof tiles. Additional detailing measures are proposed with contrasting brick and the use of render in part on some plots to give a mixture of finishes through the site. Officers are satisfied that the mixed palette complements the surrounding area and gives some variation through the site but still retains a strong sense of continuity of materials.

The proposed boundary treatments are predominantly 1.8m high fencing to rear garden boundaries. Where plots are set with a rear garden that abuts or sits adjacent to the main spine road, the use of brick is proposed to provide increased screening for the occupiers. The use of brick in these locations presents a high quality overall feel to the development.

The impact on the living conditions of nearby dwellings

Plots 1-5 of the proposed development share a boundary with properties within Bremridge Close. Plots 1 and 2 back onto the shared parking area to the front of these properties. Plot would have a side to rear relationship with the blank gable end of the property at No. 69 Bremridge Close and plots 4 and 5 would have a rear boundary adjacent to the rear garden area of the same property. In terms of separation distances, the proposal would be separated from the garden area of the existing dwelling by an existing belt of mature trees and hedging together with an additional 2 metre wide ecology corridor provided along the southern boundary of the site. The separation distance from the rear wall of the proposed dwellings and the boundary of No. 69 is approximately 15 metres. Taken into consideration with the boundary treatments existing, Officers are satisfied that this relationship is acceptable.

Plots 16-18 have a front to front relationship with the existing properties at 32-36 Bremridge Close and at the end of this run of properties; Plot 19 shares a front to side relationship with No. 38 Bremridge Close. The properties are separated by two access drives, one serving the existing Bremridge Close dwellings and a proposed access serving the new properties. A landscaping strip boundary is also proposed between these access drives. In terms of difference separation, the front to front relationship is approximately 16.5 metres and the front to side relationship is approximately 14 metres. Taking into account the access drives and landscaping, Officers are satisfied that this level of separation is acceptable.

Plots 37-47 share a back to back relationship with properties fronting the main Wellesbourne Road. Due to the size of the rear gardens of these properties when taken into conjunction with the rear gardens of the proposed dwellings, a significant separation distance is achieved well in excess of the required minimum standard for properties sharing a back to back relationship.

Plots 48-53 abut the northern boundary of the site where dwellings are currently under construction fronting onto Westham Lane. Once constructed, these

properties would share a back to back relationship which meets the required separation distance for properties with a back to back relationship.

Officers acknowledge that the outlook from some of the existing properties that abut the site will be altered by the proposed development insofar as the scheme introduces built form onto a currently open field. However, the scheme has been assessed and Officers are satisfied that the development would have an acceptable relationship with properties within the vicinity of the site and the proposal accords with the Distance Separation Standards SPG and the 45 Degree Line SPG and there would be no material harm by reason of overlooking, overshadowing, loss of light or overbearing impact.

The impact on the living conditions of future occupiers of the proposed dwellings

The majority of properties share a front to front relationship across the main spine road through the development that affords sufficient separation distance between the properties.

Where a back to back relationship is proposed, the distance is in excess of 23 metres ensuring that an acceptable relationship is achieved to prevent loss of amenity to future occupiers.

Officers are satisfied that the living conditions of properties within the development are acceptable and no significant demonstrable harm would be created to future occupiers of the development in terms of the impact from adjacent properties.

The development has been assessed by the Council's Environmental Protection Officer who has raised some concerns regarding the potential noise disturbance to future occupiers as a result of the nearby A425 highway that partially bounds the application site. In order to ensure that the future occupants are not adversely affected by the existing highway, conditions to secure appropriate mitigation works are recommended to be sought and thereafter installed with the details approved. This can be secured by condition.

Car Parking and Highway Safety

Access and Highway Safety

The proposed development is to be served by an access from Bremridge Close to the south eastern corner of the site. The access point proposed is in the approximate location of an existing field gate, adjacent to a brick and tile 'bat house' erected as part of the ecological mitigation for the original Bremridge Close development.

Concern has been raised as to the acceptability of the access from Bremridge Close to serve the development of 63 dwellings in this location. Following discussions between the applicants and the Highway Authority, it is concluded that the Highway Authority does have concerns about the operation of existing road junctions within the vicinity of the site to accommodate the additional traffic proposed, most notably the A429 / Bridge Street Junction.

The Highway Authority has accepted the fact that modelling and surveys carried out adequately demonstrate that these junctions will be operating within their operation capacity. However, it is considered that the resultant level of delay experienced per vehicle becomes untenable due to the increased pressure on the junctions as a direct result of the development. In these situations, the delays have the potential to lead to driver behaviour which will be detrimental to the safe operation of the highway network, by taking risks and using smaller gaps to exit the junction and increasing the potential for collisions to occur at these locations.

In order to mitigate this potential harm, the County Highways Officer has requested a contribution of £6,000 per dwelling to be secured within the Section 106 Agreement. The requested sum for the development would enable highway safety and capacity improvements for junctions within Barford including the A429 / Bridge Street and A429 / Wellesbourne Road junctions to be carried out to mitigate the impact on the proposed development on the surrounding highway network.

Car Parking

The main spine road through the development is a standard 5.5m wide highway with associated 2 metre wide footpaths running through the development. The areas of smaller spur roads are proposed to be 5 metres wide to allow 2 vehicles to pass.

The car parking strategy for the site is the provision of predominantly 2 spaces per unit. The proposed 1 bedroom maisonettes at Plots 33-36 benefit from a single space within a parking courtyard to the side of the building. Other than these four plots, the standard is two spaces and a number of plots are further supplemented with garage spaces. Parking spaces are generally located to the side of the plots in tandem format which gives cars a subservient appearance within the plots rather than properties with parking to the frontage.

Officers are satisfied that the parking associated with the proposed development has been well thought out and each property will benefit from adequate parking facilities within the plots to minimise the pressure for vehicle to park within the road areas or on the footpaths.

The proposal is therefore considered to accord with Policy DP8 and the Vehicle Parking Standards SPD.

Construction Traffic

In terms of Construction Traffic, the applicants have provided tracking information to the satisfaction of the County Highway Authority that demonstrates that vehicles accessing the site from Bremridge Close are able to adequately access the development site.

It was suggested that deliveries could take place from Westham Lane utilising the route of the proposed emergency access. However, following further consideration and assessment of this access, it has been determined that it would not be suitable for deliveries due to the limited size and capacity of the

private lane and the limited ability for larger vehicles to manoeuvre along this access that is identified as being 3 metres wide. On the basis of the above considerations, Officers consider that it is appropriate to attach a condition that restricts traffic associated with the development from using Westham Lane for access.

A condition requiring a Construction Management Plan to be submitted will also be necessary. As part of this plan, the County Highways Officer has requested the provision of a Banksman to manage construction traffic in and out of the site in a suitable manner and not to the detriment of existing resident's amenity. A clear communications strategy must also be provided which provides contact details for residents to utilise to raise issues and problems directly to the site managers.

Emergency Access

An emergency and pedestrian link is proposed onto Westham Lane. The access is 3 metres wide and sits between the new Waterloo Housing development and an existing dwelling fronting Westham Lane. No other vehicular traffic is proposed from this access point and as detailed in the section above, a condition restricting the use of this access is proposed to prevent any increase in vehicular traffic accessing Westham Lane.

Drainage and Flood Risk

In terms of surface water drainage, the site is within Flood Zone 1, and it is proposed to install a balancing pond at the western side of the site to ensure run-off does not exceed existing green field rates plus allowance for climate change. The Lead Local Flood Authority has raised no objection to the scheme, subject to detailed design to be secured by condition.

In terms of foul sewage, it is indicated that the dwellings are proposed to connect to the mains sewers in the local area. Severn Trent have assessed the proposal and raised no objection to the scheme subject to a detailed drainage condition.

Ecology

The site contains an existing bat house adjacent to the main access to the development site. The remaining site is arable grassland with hedge/tree boundaries. The applicants have submitted ecological surveys of the site and have been in correspondence with the County Ecologists regarding works required within the site to mitigate the ecological impact of the development.

The applicants, Taylor Wimpey, have acknowledged that the ecological impact is an important aspect of the application and have agreed to ensure that the development does not have a detrimental impact on features of ecological importance. It is noted that the County Council do not object to the development, which is a strategic allocation within the emerging Local Plan. However, the Ecologists have requested that additional surveys are necessary in order to establish an appropriate mitigation strategy prior to determination.

Having considered this request, Officers consider that the additional survey work can be secured via a suitably worded planning condition which will ensure that all protected species are appropriately assessed and thereafter, through the implementation of an appropriate mitigation strategy, protected and where possible, enhanced as a result of the development. Any such condition would require the details to be submitted prior to the commencement of any development on the site including further clearance works. This approach was adopted as part of the Waterloo Housing site which actually forms part of the same field in which this development is located.

If the mitigation strategy is safeguarded via a planning condition, it would also be possible to incorporate any necessary biodiversity offsetting identified as a planning obligation, subject to the necessary justification, to be incorporated within the associated Section 106 Legal Agreement or Unilateral Undertaking.

Landscaping

The plans indicate soft landscaping areas either side of the main access giving a soft edge to the development. An area identified as Public Open Space provides a buffer between the development and the existing 'bat house' located on the existing turning head on Bremridge Close.

Centrally within the site is an area of Public Open Space on a parcel of land shared with the surface water attenuation basin. The land identified as open space is not equipped space and has the appearance of incidental open space in the form of grassed areas with additional tree planting. The central location of this key landscaped area gives a focal point for the open space of the development and the layout of the site affords good natural surveillance over the area from adjacent dwellings that flank it on three sides.

The applicant is in ongoing discussions with the Council's Open Space Team in term of the final layout of the proposed open space. The final scheme will be presented as part of the adobs report to Members.

The proposed landscaping scheme demonstrates that the proposed dwellings are to be predominantly laid to lawn for rear gardens together with additional soft landscape areas to the forecourts and front garden areas.

Additional tree planting is proposed throughout the site and these details can be secured through the imposition of a condition to secure planting in accordance with the submitted landscaping plans. This includes a replacement planting condition to ensure that any species that fail are replaced within the first five years following the substantial completion of the development.

The scheme also incorporates the retention of boundary treatments and it is appropriate to condition that these elements be protected prior to works taking place.

Subject to appropriate conditions to secure the landscaping within the development, Officers are satisfied that the development is acceptable in terms of landscaping.

Impact on local services

The proposed development of 63 dwellings would create significant additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions are still ongoing and must be resolved the satisfaction of the Local Planning Authority before a decision can be issued.

Having considered the available evidence, the above contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 63 dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities, drainage, monitoring costs, and rights of way, employment/training for locals and highway matters.

This a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement.

Energy Efficiency / CO2 reduction

The Sustainable Buildings Supplementary Planning Document requires residential and non-residential developments, including conversions to provide 10% of the predicted energy requirement to be produced on site, or in the locality from renewable energy / fabric first approach.

A detailed energy statement has been submitted that states that all dwellings will be constructed to high standards of efficiency in excess of the requirements of the Building Regulations which will reduce the energy demand of the properties. Energy consumption will then be reduced by 10% through the use of Photovoltaic arrays located on the appropriate roof slopes across the development site.

Officers are satisfied that the approach is acceptable and can be secured by condition

Conclusion

Officers clearly acknowledge that the development has been brought forward in advance of the adoption of the emerging Local Plan that allocates this site for

development and the site is in conflict with the Barford Neighbourhood Development Plan.

In considering the proposal, Officers acknowledge the conflict outlined above, however, the timescales for the development coming forward would bring it in line with the adoption of the Plan and at this stage, the objection would fall away leading to a fully acceptable principle of development for the site.

Site specific concerns have been considered by statutory consultees and this is generally acceptable subject to appropriate conditions securing additional details where necessary.

A Section 106 Agreement is proposed to secure appropriate contributions for local infrastructure improvements to mitigate the impact of the development. Subject to this being signed, there is no objection to the development as proposed.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 20137-AA11-PL, 20137-AA24-PL, 20137-AA32-PL, 20137-BAYS-PL, 20137-BPP-01, 20137-BU2-01, 20137-EP-01, 20137-HEY-PL, 20137-MP-01, 20137-NA20-PL, 20137-PA34-PL, 20137-PA48-PL, 20137-PA49-PL, 20137-PB30G-PL1, 20137-PB30G-PL2, 20137-PL-01, 20137-PT36-PL, 20137-PT44-PL, 20137-AA42-PL, c-1461-01 Rev.B and c-1461-02 Rev.B and specification contained therein, submitted on 10 March 2017, 100 Rev.A, 1 Rev.A and 20137-PL-01 D and specification contained therein, submitted on 18 May 2017 and 20137-POS-01 and specification contained therein, submitted on 26 May 2017. **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 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of all external facing materials to be used together with all hard landscaping materials 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.

4 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 and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall be 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) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the greenfield 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 storms 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 overland flood flow routes in case of system failure, through hydraulically modelling the floodwater outline, indicating flood flow depths and velocities.
f) Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the maintenance company and a contact for who will be responsible for the site shall be provided to the LPA.
g) No development shall take place within 8metres of the top bank of any ordinary watercourse.

REASON: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

5 No part of the development hereby permitted shall be implemented until details of all earthworks, mounding and 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, and 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.

6 No part of the development hereby permitted shall be implemented until an updated acoustic assessment of the properties located adjacent to the site boundary with the A425 has been submitted to and approved

in writing with the Local Planning Authority. The submitted assessment should include a rationale to show how the internal layout and location of residential premises have been designed to ensure that the noise environment is acceptable for future inhabitants with reference to the levels as defined by BS8233: 2014 and WHO guidelines as follows:

Internal noise levels shall not exceed the following levels during daytime:

- Living Room (Daytime 07:00 to 23:00) - 35 dB LAeq,16hour
- Dining Room (Daytime 07:00 to 23:00) - 40 dB LAeq,16hour
- Bedroom (Daytime 07:00 to 23:00) - 35 dB LAeq,16hour

Internal noise levels shall not exceed the following levels during night time:

- Bedrooms (Night time 23:00 to 07:00) - 30dB LAeq,8hr, with the maximum instantaneous noise level not exceeding 45dB LAmax,fast (Night-time LAmax as prescribed by WHO Guidelines for Community Noise; 1999).

The daytime external noise level in amenity areas shall not exceed 50dB LAeq,t with reference to WHO

REASON: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

7 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.

8 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; noise assessment and mitigation method statements for the construction activities, in accordance with provisions

of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites - Part 1 and 2, delivery times and site working hours, site lighting, access and protection arrangements around the site for pedestrians, cyclists and other road users and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

9 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of public safety from fire and the protection of emergency fire fighters.

10 No part of the development hereby permitted shall be commenced until additional detailed ecological surveys for bats, great crested newts and reptiles together with a detailed mitigation strategy have been carried out by a suitably qualified person and thereafter submitted to and approved in writing by the Local Planning Authority. Therefafter, the mitigation works shall be carried out in accordance with approved details and retained in perpetuity. **REASON:** To safeguard the presence and population of protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

11 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.

12 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the

approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

13 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.

14 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

15 The approved hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of 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 ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

16 There shall be no access taken off Westham Lane for any construction, delivery, contractors or other vehicles in connection with the construction of the development. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

Planning Committee: 20 June 2017 **Item Number:** **9**

Application No: W 17 / 0521

Registration Date: 23/03/17
Town/Parish Council: Whitnash **Expiry Date:** 18/05/17
Case Officer: Rebecca Compton
01926 456544 rebecca.compton@warwickdc.gov.uk

31 Heathcote Road, Whitnash, Leamington Spa, CV31 2NG
Erection of two storey side extension, part two storey and single storey rear extensions and rear box dormer. FOR Mr & Mrs Bains

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Erection of two storey side extension, part two storey and single storey rear extensions and rear box dormer.

THE SITE AND ITS LOCATION

The application property is a two-storey hipped roof, semi-detached dwellinghouse situated on the south side of Heathcote Road, Whitnash. This part of the street scene is characterised by pairs of semi detached properties with hipped roofs. The neighbouring property has been extended by way of a gable two storey side extension.

PLANNING HISTORY

No relevant planning history.

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)

- DP13 - Renewable Energy Developments (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)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Object on grounds of overdevelopment, unneighbourly and sub-standard drawings.

WCC Ecology: Recommend bat survey.

Public Response: One neighbour objection and one neighbour support have been received.

RELEVANT PLANNING HISTORY

No relevant planning history.

KEY ISSUES

The Site and its Location

The application property is a two-storey hipped roof, semi-detached dwelling house situated on the south side of Heathcote Road, Whitnash. This part of the street scene is characterised by pairs of semi-detached properties with hipped roofs. The neighbouring property has been extended by way of a gable two storey side extension.

Details of the Development

Erection of first floor side extension, part two storey and single storey rear extensions and rear box dormer.

Assessment

Design

The proposed first floor side extension is set down and set back from the original building and retains a 1m distance from the side boundary in accordance with

the Residential Design Guide SPG. The proposed gable side extension is considered acceptable as the adjoining property has extended the first floor by way of a side gable extension, therefore the overall character of the pair of semis will not be disrupted. The single storey rear extension is considered acceptable in terms of design. The proposed box dormer is considered acceptable as there are a number of similar examples in the immediate area. The extensions have been proposed in matching materials that will ensure the additions sit comfortably within the street scene. A number of properties in the immediate area have been extended quite considerably, therefore the overall size and scale of the extensions are considered acceptable in the context of the area. The proposal is therefore considered to comply with local plan Policy DP1.

Impact on neighbouring properties

The extensions do not breach the 45° to either neighbouring property. An objection has been received from the neighbour at No.29 Heathcote Road on grounds of loss of light. Since the objection has been received the proposal has been amended so as not to breach the 45° line taken from the study at No.29. It is therefore considered that the proposal complies with local plan Policy DP2 and the proposal will not result in material harm by reason of loss of light or outlook.

Other matters

Given the size and scale of the proposed development it is considered that a requirement to provide renewables/ fabric first approach in accordance with Policy DP13 and the associated SPD would be appropriate. This can be secured via condition.

Parking

The proposed development will not affect the current driveway parking; therefore it is considered that the proposal has sufficient provision for off-street parking for 2 cars, in accordance with Vehicle Parking Standards SPD.

Summary/Conclusion

In conclusion it is considered the proposal is of an acceptable design and scale and will not result in a negative impact upon the amenity of neighbouring properties to warrant refusal of the application.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings, 2109/2/A, 2109/1/B and specification contained therein, submitted on 17/05/2017. **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 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.

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. 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.

5 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

Planning Committee: 20 June 2017 **Item Number:** **10**

Application No: W 17 / 0627

Registration Date: 19/04/17
Town/Parish Council: Radford Semele **Expiry Date:** 14/06/17
Case Officer: Emma Spandley
01926 456539 emma.spandley@warwickdc.gov.uk

Wimsley, 30 Southam Road, Radford Semele, Leamington Spa, CV31 1TA
Erection of one and half storey rear extension and roof alterations to include hip to gable extensions on both sides FOR Mr & Mrs O'Hara

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks to remodel the entire house to create more useable space in the upper floors and to provide a more modern design. The proposal maintains the eaves and ridge levels at a similar level, but turns the existing hipped roof into gabled ends and extends to the rear to the full height of the property.

The proposal also provides a new palette of materials, including a mix of stone, timber and brick to the elevations and a flat roof behind a parapet wall.

THE SITE AND ITS LOCATION

The application property is a large detached dwelling situated on a substantial plot located on a private road.

The application property is a dormer bungalow. The properties within the area, are all detached and are of differing size, style and design which is what characterises this section of Southam Road.

PLANNING HISTORY

W/82/0018 - Erection of 2 storey extensions to form lounge with bedroom and bathroom over and garage and utility room with bedroom and bathroom over - granted.

W/98/1341 - Erection of a bungalow and attached garage with access road - refused.

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)
- DP13 - Renewable Energy Developments (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)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council: Objection on grounds of that the proposed extension is too large and the proposed radical new design overall to this property would be out of keeping with the surrounding properties and area.

WCC Ecology: No objection - recommend bat and nesting bird notes.

Public Response: The neighbour at No.12 Kinghurst has objected on the grounds of loss of light and loss of privacy. The neighbour at No.14 Kinghurst has objected because of the size of the existing trees on site and the potential for these trees to grow taller.

ASSESSMENT

The main issues relevant in the consideration of this application are:-

- The impact on the character and appearance of the area
- The impact on neighbouring properties
- Impact on Ecology
- Renewables

The impact on the character and appearance of the area

Policy DP1 of the Warwick District Local Plan 1996 - 2011 & Policy BE1 of the Draft Local Plan 2011-2026 state that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design.

The objection from the Parish Council is noted, however, the application property is located within a private spur off Southam Road and along this single track road there are a number of properties in substantial plots, all of varying designs, styles and sizes. Due to the width of the road, the properties only become readily visible when entering the driveways.

Due to the prevailing character of varying styles, materials and types of properties, the proposal is not considered to introduce an incongruous feature within the street scene, in fact, the opposite will be true as it will add to the charm of this section of Southam Road.

The proposal is therefore considered to accord with the aforementioned policies.

The impact on neighbouring properties

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 Residential Design Guide SPG provides a design framework for Policies DP1 & DP2 and states that rear extensions should not breach a 45 degree line taken from the centre point of the nearest habitable room of a neighbouring property at ground floor, nor should an extension restrict the outlook or amenity of a neighbouring property.

The Parish Council's objection with regards to the size of the proposed extension is noted. The proposed hip to gable roof alteration will not impinge on the neighbouring properties. The roof height and eaves height will remain the same and no windows are to be located within the side roof planes. The rear extension is set 5 metres from the shared rear boundary with Nos.10 & 12 Kingshurst and 4 metres from the shared side boundary with No.26a Southam Road and therefore does not breach the 45 degree line. It is therefore considered that the proposal would not result in material harm to the living conditions of the occupiers of the neighbouring properties by reason of loss of light, outlook or privacy.

The occupier of No.12 Kinghurst has objected on the grounds of loss of light and loss of privacy. No.12 is set 13 metres from the shared rear / side boundary with the application property and 16 metres from the blank side elevation of the proposed extension. The distance separation SPG requires a minimum of 12 metres from the blank gable of one property to the habitable rooms of another property. As mentioned above, the extension achieves a 16 metre gap. There are no windows located within the side elevation.

The proposal is therefore considered to accord with the aforementioned policies.

Ecology

A bat survey was requested and submitted. The roof is well sealed and only potential access point yielded no evidence of bats and therefore no further bat survey work is required.
Taking this account a bat and nesting bird note can be added to any grant of approval.

Energy efficiency / CO2 reduction

Policy DP12 states that new development will be required to be energy efficient, whilst DP13 states all development will be required to show how 10% of the predicted energy consumption of the property has been generated by renewables or have adopted a fabric first approach. Further guidance is set out within the Sustainable Buildings Statement. No statement has been submitted but it is considered that renewables/ fabric first approach can be secured by a suitably worded condition.

Other matters

The occupier of No.14 Kinghurst has objected to the application because of the size of the existing trees on site and the potential for these trees to grow taller. The trees are not located within a Conservation Area and are not protected through a TPO. Therefore, their removal or reduction is a civil matter and not one that is given weight as a material planning consideration in the consideration of this application.

Conclusion

The proposed roof alteration consisting of a hip to gable roof extension together with a one and half storey rear extension will not appear as an incongruous feature within the street scene, due to the existing mix of size, style and design of houses with varying materials within this location. Furthermore, the proposals comply with the Residential Design Guide SPG, the 45 Degree Line SPG and the Distance Separation SPG and will not result in material harm to the occupiers of the neighbouring properties through visual intrusion, loss of light or privacy.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 004 & 005 and specification contained therein, submitted on 6 April 2017. **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 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.

4 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

Planning Committee: 20 June 2017 **Item Number:** **11**

Application No: W 17 / 0637

Registration Date: 07/04/17
Town/Parish Council: Leamington Spa **Expiry Date:** 02/06/17
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

12 Park Road, Leamington Spa, CV32 6LG

Garage conversion; erection of flat roof canopy to front elevation; erection of single and two storey rear extension; decking area to rear; erection of detached outbuilding in rear garden; elevational changes to dwelling; enlargement of driveway area and additional site access with dropped kerb. FOR Mr Chander

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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 the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposed development is for the erection of a single and two storey rear extension spanning the whole width of the rear of the property. The two storey element is proposed with a dual pitched roof and the single storey projection as a flat roof.

Alterations to the frontage of the property including the conversion of the existing integral garage to habitable accommodation, replacement of an existing flat roof canopy, amendments to the fenestration and the installation of solar panels to the roof slope. In terms of materials, it is proposed to render the existing dwelling and extensions. Timber cladding is proposed to the centre of the front elevation at first floor level. New windows are also proposed with grey frames.

A detached timber outbuilding is indicated on the submitted plans within the rear garden. The measurements indicated on the plans show an overall roof height of 2.5 metres and the building has a footprint of 20m².

A new driveway access is also proposed to create an in/out driveway arrangement.

THE SITE AND ITS LOCATION

The application site lies within an existing residential area within the town of Royal Leamington Spa.

The property is a detached dwellinghouse set back from the road behind a front garden and parking area and served by a large rear garden.

The garden area of the properties slopes down towards the rear boundary.

The site is flanked by similar detached dwellings. The character of the area is defined by a variety of styles and designs of dwellings on differing plot sizes.

The front boundary of the site partially abuts the edge of the Royal Leamington Spa Conservation Area but the plot falls outside of the Conservation Area.

PLANNING HISTORY

No previous planning history.

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)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (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)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council : No objection

Ward Member Gordon Cain : Object to the scheme for the following reasons;

- The application plans have now taken into consideration the previous obstruction of the 45 degree sight line.
- The proposed corner rebates to comply with the 45 degree sight line rule are not reflected on the elevation drawings so the application drawing is incorrect and needs amendment.
- My previous objection on grounds of contravention of the 45 degree sight line is withdrawn.
- The application however remains excessive development of the site, and remains unneighbourly.
- The rear deck has been raised 1m above existing ground levels (EGL) and will afford unrestricted views across the adjoining gardens, which had previously been private.
- The proposed slatted side screens are inappropriate and will allow some vision through the slats.
- The new extension and raised deck appears to extend over the root protection zone of the adjacent mature Silver Birch. This mature tree will be at risk.
- The white render will have a high visual impact.
- The revised design contravenes the NPPF paragraphs 56; 58.1; 58.6; 63 and 66.
- NPPF 64 advises permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- This proposal does not improve the character or quality of this area.
- I object to this revised scheme.

WCC Ecology: Request Bat Survey prior to determination.

Tree Officer: Silver Birch Tree does not have a strong enough profile for a TPO to be served. The tree can be protected by condition requiring tree protection measures.

Public Response: 7 letters of objection have been received making the following comments;

- Contrary to Residential Design Guide SPG in terms of additional floorspace and volume created.
- Disproportionate to the scale of the existing dwelling.
- Will impact on light to adjacent properties.
- Loss of privacy as a result of overlooking from Juliet balcony and raised decking area.
- Render and timber cladding harmful to the character of the area that is predominantly brick and tile.
- Harm to adjacent trees.
- Development is unneighbourly.
- Not in keeping with neighbouring properties.
- Increased surface water run-off as a result of the development that could harm adjacent properties.
- Breaches 45 degree line from windows serving No. 14.
- Garden room will result in noise disturbance and loss of privacy.

ASSESSMENT

Impact on character of surrounding area

The extension works proposed are large in scale but predominantly located to the rear of the dwelling where public views are limited. The two storey extension is relatively large with a 5 metre projection together with an additional 2 metre ground floor projection. The proposed two storey element has a pitched roof to match the existing dwelling in terms of eaves and overall ridge height. The single storey element has a low flat roof. The single storey section is identified with the use of a grey render in lieu of the white render proposed for the main dwelling.

The resultant extensions would increase the size of the dwelling in comparison to the neighbouring properties. However, in Officers' opinion, the scale of the extensions are proportionate to the overall plot size in this predominantly urban area and would not appear as an overdevelopment of the site.

The proposal also includes alterations to the frontage of the property in the form of the conversion of the existing integral garage to additional living accommodation, installation of new grey framed windows, rendering of the front elevation with white render together with the installation of timber cladding to the centre of the first floor of the elevation. The resultant dwelling will have an enhanced frontage that refreshes and improves the tired and dated appearance of the existing dwelling.

In terms of the street scene, Officers are mindful that there are similar properties in the vicinity of the site but the overall character of the area is one of mixed dwellings of different sizes and scales. However, the predominant material is brick with a range of colours and textures. In this location, the use of render would result in a property that does not reflect the character of the neighbouring properties. However, in Officers opinion, the range of dwelling styles and materials are varied and the use of render would add to the mix of properties in the local area without resulting in significant harm to the character of the area.

Overall, Officers are satisfied that the extensions and alterations proposed would not result in significant harm to the character of the surrounding area.

Impact on the adjacent Royal Leamington Spa Conservation Area

Warwick District Local Plan Policy DAP8 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas.

Warwick District emerging Local Plan Policy HE2 (protection of conservation areas) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

The front boundary of the application site partially abuts the boundary of the Conservation Area, however, no part of the application site is within the Conservation Area.

Views of the property from the Conservation Area would be possible, however, the same effect could be achieved through the painting of the existing brick work without planning permission. Therefore, the use of render would not result in material harm to the setting of the Leamington Spa Conservation Area.

The extensions to the property are limited to the rear of the dwelling and would not affect the setting or views out of the Conservation Area.

Impact on adjacent properties

The front elements of the scheme are restricted to fenestration changes and the use of new facing materials and windows. Officers are therefore satisfied that these elements of the scheme would not result in material harm to the amenity of neighbours. In addition, the new in/out driveway arrangement and revised frontage are also considered to be acceptable in terms of potential impact on the amenity of neighbouring properties.

In terms of the impact on the amenity of neighbouring properties, the proposed rear extension has been amended to reduce the overall depth of the extension to ensure that the 45 degree line from the study window of the adjacent property at No. 10 is not breached. The proposal does not breach the 45 degree line from any habitable room window of either adjacent property at No.10 or No. 14.

The occupier of the neighbouring property has raised concern about the impact on a side facing kitchen window and utility room window as a result of the extensions. However, the side facing window is not the only source of light insofar as it a secondary window and the primary window is a rear facing window that is substantial in size. The proposed rear extension does not breach the 45 degree line from the centre of the rear facing window of No.14. A utility room is not considered to be a habitable room for the purposes of assessing the 45 degree test and as such, is not a reason to object to the application.

The proposed extension has first floor rear facing windows that allow for views over the adjacent properties' gardens. Officers are mindful that there are existing first floor windows to the rear elevation although the extension will project 5 metres from the existing rear wall. In terms of outlook from the window, the resultant views would not be substantially different from the existing situation and in this respect Officers do not consider that the proposed two storey extension would result in overlooking compared to the existing situation and would not be considered unneighbourly.

Concern has been raised regarding the elevated setting of the proposed decking area to the rear of the extensions. Due to the sloping nature of the application site, the proposed decking area to the rear of the extension is to be provided on land built up to match the finished floor level of the proposed extension. The built up level will be approximately 1 metre above the natural ground level at the end of the decking area. Due to the increased level, it would increase the potential for overlooking of the adjacent properties. The plans indicate screens to the sides of the decking area to a height of 1.8 metres above the decking level to prevent overlooking of the areas of amenity space closest to the rear of the adjacent dwellings. In Officers' opinion, this results in an acceptable

relationship taking into account the screening of the sides of the decked area and this can be controlled by condition.

The elevated nature of the decking would afford views further down the garden areas of the adjacent properties due to the falling levels at the rear of the site. The existing side boundaries are delineated with a 1.8 metre high close boarded fence with planted borders in front with a range of shrubs and hedging to the boundary with No. 10 Park Road and a low fence supplemented with a mature hedge forming the boundary with No. 14 Park Road.

In terms of the potential harm as a result of the decking area, the views afforded would be towards the middle to end of the adjacent garden areas. In terms of potential overlooking, Officers are of the opinion that the elevated nature of the decking is such that it is acknowledged that views will be afforded of the adjacent garden areas. When considering this element, Officers consider that the use of the decking area would not result in sufficient harmful overlooking to warrant the refusal of planning permission.

Overall the harm to the amenity of neighbouring properties as a result of the scheme is clearly acknowledged. However, in the opinion of Officers, the level of harm as a result of the development would not be sufficient to warrant the refusal of planning permission.

Access and Parking

The application property benefits from a large frontage area capable of accommodating multiple vehicles. The loss of the garage would not result in a lack of parking for vehicles within the site.

It is also proposed to create an in/out access arrangement to further improve parking within the site. This will ensure that vehicles are able to enter and exit in a forward gear and this will improve highway safety in the local area. This is particularly important at this site as it lies opposite a road junction where vehicles reversing out of the site may result in vehicular conflict with vehicles exiting the junction.

The County Highways Officer has assessed the proposal and raised no objection, subject to conditions to ensure the new access point is built to the appropriate standards.

Energy Efficiency / CO^2 reduction

The Sustainable Buildings Supplementary Planning Document requires residential and non-residential developments, including conversions to provide 10% of the predicted energy requirement to be produced on site, or in the locality from renewable energy resources except in cases where it can be demonstrated that it is not feasible to incorporate such measures.

Whilst solar panels are indicated on the elevation plans, no statement has been submitted in support of this application. However, Officers are satisfied that energy reduction measures would be feasible for this development and consider it appropriate to attach a condition requiring these details to be submitted.

Other Matters

Trees and Hedgerows

Concern has been raised regarding the proximity of an existing mature silver birch tree within the adjacent garden. The tree has been assessed and does not meet the criteria to be protected by a Tree Preservation Order. However, I am mindful that the tree has amenity value to the local area.

In this respect, it is considered it would be appropriate to secure a condition requiring tree and hedge protection measures to be installed together with a no-dig method statement for any works falling within the root protection area of the tree.

Ecology

The County Ecologist has requested that a bat survey be carried out. In making my assessment of the case, Officers are mindful that the works to the roof could be carried out without planning permission and the urban nature of the area is such that the potential for bats is limited. In this scenario, it is considered appropriate to add a bat note that explains the applicant's responsibilities in the event that evidence of bats is found.

Drainage

The application site has an existing mains connection for foul sewerage and surface water from the roofs will be connected to the existing surface water drainage.

The proposal does introduce an enlarged area of hardstanding to the site frontage that has the potential to increase surface water run-off rates and the sloping nature of the site is such that this could result in issues to the existing property and its neighbours.

In this respect, it is appropriate to secure further details of drainage to be submitted by condition to ensure that additional surface water is treated appropriately within the site through SUDS.

Conclusion

The proposal is for a single and two storey rear extension together with works to the frontage to an existing detached dwelling adjacent to the Royal Leamington Spa Conservation Area. In the opinion of the District Planning Authority the proposed development will not have any significant demonstrable harm to the character of the local area and will preserve the setting of the adjacent Conservation Area.

The proposed extension would result in some harm to the amenity of neighbouring properties, however, the level of harm identified is not sufficient to warrant the refusal of planning permission. The development is also considered to have no detrimental impact on highway safety.

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) CHANDER/03C, CHANDER/04C AND CHANDER/05C, and specification contained therein, submitted on 25 May 2017. **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 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.

4 Prior to commencement of the development hereby approved, details of a porous surface treatment for the drive or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.

5 No part of the development hereby permitted shall be commenced until a scheme for the protection of existing trees and hedgerows in accordance with BS5837:2012 has been submitted to and apprioved in writing by the Local Planning Authority. The scheme should incorporate a detailed methodology for the carrying out of works within the identified root protection areas of any protected trees or hedgerows. **Reason:** To ensure that all landscaping features adjacent to the proposed development are not harmed as a result of the works.

6 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.

7 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

8 The decking area hereby permitted shall not be occupied unless and until the privacy screens have been installed in accordance with the approved details. The screens shall be maintained as such at all times thereafter. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

9 No more than 2 accesses for vehicles shall be made or maintained to the site from 12 Park Road. **REASON:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

10 The development hereby permitted shall not be occupied until 2 accesses for vehicles have been provided to the site not less than 3 metres in width at any point as measured from the near edge of the public highway carriageway. **REASON:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

11 The development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 3 metres, as measured from the near edge of the public highway carriageway. **REASON:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

12 The accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound macadam material in accordance with details to be approved in writing by the

Local Planning Authority. **REASON:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

13 The accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

14 The accesses to the site for vehicles shall not be used unless public highway footway crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

Planning Committee: 20 June 2017 **Item Number:** **12**

Application No: W 17 / 0645

Registration Date: 10/04/17
Town/Parish Council: Bishops Tachbrook **Expiry Date:** 05/06/17
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

28 Miranda Drive, Warwick Gates, Warwick, CV34 6FE
Removal, repair and realignment of 2m high garden wall FOR Mr Rees

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposed development seeks to remove an existing silver birch tree which is causing structural damage to the existing boundary wall and to rebuild the wall under an amended alignment to remove the current indent within the boundary.

The proposed wall is to be constructed of materials to match the existing wall and will carry through the line of the existing, removing the indented section to create a straight boundary wall.

THE SITE AND ITS LOCATION

The property forms a corner plot in a prominent location within the modern Warwick Gates development.

The site is the rear garden area of the existing dwelling. The existing boundary wall is indented around an existing silver birch tree.

PLANNING HISTORY

No relevant history.

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)

- 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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council - Councillors have agreed to raise an objection as they note that the applicant is planning to remove a tree but there are no arrangements for a replacement tree to be planted on the verge.

ASSESSMENT

Impact on character and appearance of the surrounding area

The proposed development seeks the realignment of the existing boundary wall to create a single length of wall. The proposal involves the removal of a non-protected silver birch tree which does require permission to be removed.

The realignment of the boundary wall will follow the line of the existing boundary and it is proposed to use matching materials and mirror the existing height of the existing boundary wall. In visual terms, there would be no discernible difference in the appearance of the wall and Officers are therefore satisfied that the development would not harm the character of the local area.

The tree is not within a Conservation Area and is not covered by a Tree Preservation Order (TPO). The tree is also not of sufficient quality or landscape amenity value to justify the creation of a new TPO.

A condition of the outline planning permission for the estate required any landscaping features removed to be replaced within a period of five years from the date of substantial completion of the development. The five year period has not yet expired for the development as the outline permission was granted on 2 August 2013 and this was followed by various Reserved Matters applications. In this respect, the requirement is that a replacement tree should be planted to mitigate for the loss of the tree.

The limited size of the plot is such that it is not a feasible option to replace the tree with a new species of similar size on land within the control of the applicant. Any position of a new tree of this nature is likely to lead to a similar scenario as the replacement tree grows causing additional damage to the boundary wall.

The applicants have advised that they propose to plant an ornamental cherry or apple tree within the garden area of a size more appropriate to a small garden area.

The removal of a single tree to rectify structural damage to the existing boundary wall is justified. A replacement tree more appropriate to the size of the plot would go some way to mitigating the loss of the existing tree and this can be secured by condition.

Impact on adjacent properties

The proposed works to repair and realign the wall are minor in nature and have no direct impact on the amenity of adjacent properties. In this respect, Officers are satisfied that the proposal is acceptable.

Summary/Conclusion

The removal of the tree, whilst unfortunate, has been justified in this case and opportunities to provide a replacement tree on land within the control of the application have been fully explored. The applicant is planting a suitable replacement reflecting the size of the available garden area and is reinforced by condition.

The proposed repair and realignment of wall would retain the existing height and appearance of the wall in terms of materials used and would have no significant impact on the character and amenity of the local area or impact on neighbouring properties.

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) Rees/50/1 and Rees/50/2, and specification contained therein, submitted on 10 April 2017. **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 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.

4 A replacement tree shall be planted on the land to the front of the house within the control of the applicant within the first planting season following the completion of the works to the boundary wall. **REASON:** To mitigate for the loss of the existing tree and in the interest of visual amenity.

Planning Committee: 20 June 2017 **Item Number:** **13**

Application No: W 17 / 0686

Registration Date: 20/04/17
Town/Parish Council: Burton Green **Expiry Date:** 15/06/17
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Lodge Farm House, Westwood Heath Road, Coventry, CV4 8AA
Change of use from Guest House (Use Class C1) to 9 bedroom House in Multiple Occupation (HMO) (Sui-Generis) and 2No. studio apartments (Use Class C3).
FOR Lever Arch Investments Ltd

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 the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks the conversion of a former bed and breakfast premises into a House in Multiple Occupation consisting of 9 bedrooms plus 2 larger rooms identified as studios.

No external alterations are proposed to facilitate the use.

THE SITE AND ITS LOCATION

Lodge Farm House is a former bed and breakfast premises located in an elevated position off the Westwood Heath Road on the edge of Coventry.

The property is accessed via a lane from the main road which serves a total of 5 properties including the application site. Further residential properties lie to the north of the site, fronting the road.

The site is flanked on three sides by open countryside with the nearby properties located to the south and south west of the site.

The property sits centrally on the plot and the site is bounded by mature hedges and trees to all boundaries affording high levels of screening.

PLANNING HISTORY

W/05/1400 - Enclosure of existing roof canopy – Granted 05.10.2005

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)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (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)

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)
- TR4 - Parking (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)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS19 - Green Belt (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)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council - Objection on the following grounds:-

- The change of use is inappropriate within this hamlet of five private dwellings, which are in the Green Belt and in a quiet location at the end of a long private single track driveway.
- Proposal will generate innumerable daily journeys by car or bicycle, inevitably spoiling the enjoyment of the adjacent properties
- Journeys on foot, for the proposed development, to the nearest bus stops would be approximately 530 metres to travel westwards and 650 metres to travel eastwards. Planning permission will only be granted for a HMO under

Policy H6 if (b) the application site is within 400 metres walking distance of a bus stop.
- Use of the private access road which is in joint ownership of three of the properties including Lodge House Farm, by such large additional numbers is likely to be problematical.
- The proposed kitchen area is inadequate for this number of people and there is no provision for communal eating or socialising.

Private Sector Housing - Facilities provided are acceptable.

WCC Highways - No objection to proposal following receipt of plan indicating parking layout.

Open Space Officer - Require contribution for Abbey Fields Open Space.

Public Response - A total of 9 letters of objection received making the following observations;

- Access is a private drive and shared with a Public Right of Way used regularly by walkers and increased use would be harmful.
- Detrimental to the quiet rural character of the Hamlet.
- Out of keeping with the local character.
- Will result in additional congestion on the main road.
- Potential for 22+ people on the site that would change the character of the area.
- Will result in nuisance to the surrounding area.
- Not an appropriate site for an HMO.
- Access drive insufficient for additional traffic.
- Will result in additional noise, activity and smells.
- Concerned about maintenance of the grounds.
- Will harm the tranquillity of the area.

ASSESSMENT

Principle of development

Loss of Bed and Breakfast Use

The historic use of the site is for bed and breakfast use, although there is no evidence that it has operated as a B&B for some time. In Officers opinion, the loss of visitor accommodation is regrettable, however, the fact that it has been disused for some time weighs against seeking to resist the development. Officers are also satisfied that there is a sufficient supply of alternative accommodation available within the area to ensure that the loss of this space would not undermine the ability to provide appropriate accommodation in semi-rural locations. It is also noted that relevant policy in the emerging Local Plan which seeks to protect existing visitor accommodation only does so for premises within town centres. In view of this the proposal is considered to be acceptable in principle.

Location for HMO/ studio units

Policy H6 of the Emerging Local Plan relates to proposals for Houses in Multiple Occupation. The policy states that HMOs will be acceptable where the following circumstances are met;

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

The proposed development would be the only HMO within the 100 metres radius. However, due to the rural, low density nature of the area, the calculation carried out under section a) shows that the proposal would result in a 25% concentration within a 100 metre radius as drawn from the centre of the front elevation of the building.

The proposal does not meet the requirements of a) of the policy as it represents a concentration of HMOs above the 10% threshold due to the rural character of the site. With regard to section b), the application property is located off a main road with access to a number of bus stops within walking distance and in close proximity to the Warwick University Campus by means other than the private car. In terms of c), 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. In regard to 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.

Mitigating Factors

It is clear that the site could never achieve the 10% threshold limit due to the low density nature of the area and the limited level of properties located within a 100 metre radius. Whilst the 10% concentration referred to in the terms of Policy H6 is breached, officers are of the view that the purpose of the policy should be considered which is to prevent harmful concentrations of HMOs in areas. With this in mind, it is considered that the proposal which would be the only HMO within a 100m radius, would not result in a harmful concentration of HMOs and would therefore comply with the ethos of Policy H6.

In considering this proposal, Officers have weighed the site location as a mitigating factor in the assessment of the application. The site lies on in close proximity to the main Westwood Heath Road that is served by multiple bus stops serving the nearby University campus. The site is approximately 2.5km by road

to the edge of the University Campus and would be easily accessible by means other than the private car. Cycle parking is provided for all units within the existing garage area of the property so the use of cycles is feasible.

It is also noted that the land surrounding the site is allocated as part of the H42 Strategic Housing Allocation in the emerging Local Plan. Therefore, the number of private residential properties is likely to increase substantially within the Local Plan period. On this basis, the overall concentration would naturally decrease in line with the increase of dwellings.

In terms of the two studio units, the site is previously developed land in a relatively sustainable location and therefore the proposal for residential accommodation is acceptable in principle.

Impact on the openness of the Green Belt

The application site is located within the West Midlands Green Belt. As the proposal is limited to the change of use of the building without external alteration or extension, the proposal would not have a detrimental impact on the openness of the Green Belt in this location and would therefore not be inappropriate development.

Impact on character of surrounding area

The proposed use does not require the external alteration of the property to facilitate the use. As such, the external appearance would remain as existing and when viewed from the public domain, it would not be discernible from its current use as a result of the development.

The level of activity associated with the use as a HMO is likely to increase compared to the current low key use of the property. It is noted that the site has been used as a Bed and Breakfast in the past and the scale of the property is such that at peak periods, this may have attracted a high level of vehicular traffic and use of the site. However, Officers are mindful that this is on an ad hoc basis and there are certain periods when the use of the site would have been minimal.

Officers have considered the proposal and acknowledge that the change of use would lead to an intensification of use and could have the potential to create a level of disturbance to the surrounding area. Officers are of the view that proper management of the premises would ensure that any possible adverse impacts would be mitigated. However, if there was a statutory nuisance, this would be a matter to be dealt with under the Environmental Protection legislation.

Concern has been raised regarding the maintenance of the external areas of the site that are currently laid out as attractive garden areas and Officers would seek to ensure that the appearance of the site is retained. On this basis, a condition to secure a Management Plan to be submitted detailing how the site is to be managed both internally and externally is considered appropriate to ensure that the high quality nature of the property and its grounds is retained in perpetuity.

Impact on adjacent properties

The application site forms part of a small hamlet of 5 properties that forms a loose group of dwellings. The nearest adjacent property is approximately 35 metres away when measured from the nearest point of the buildings.

Officers are satisfied that the proposed development would not result in any material harm to the amenity of adjacent properties through overlooking, overshadowing or overbearing impact.

The key aspects of the development that could result in harm to neighbouring amenity would be as a result of potential noise disturbance. As identified in the section above, the potential for noise would be as a result of specific occupiers rather than the use itself and occupancy can be controlled by good management of the property and formal nuisance can be controlled through Environmental Protection legislation.

Subject to appropriate management measures being implemented, Officers are satisfied that the development would not have any significant detrimental impact on the amenity of neighbouring properties.

Access and Parking

The Highways Authority have assessed the proposal and raised no objection to the scheme following the submission of a block plan marking out an indicative parking layout to demonstrate that adequate parking is available on the site for a minimum of 7 vehicles in accordance with the Vehicle Parking Standards SPD.

The revised drawing 17.2387.GA.103a illustrates the parking layout for the site and shows the provision of eight spaces.

Cycle parking of 11 secure spaces would be required and there appears to be adequate space within the garage to accommodate this requirement where 8 cycles are shown on plan 17.2387.GA.104.

The access is private and it's junction with Westwood Heath Road fulfils the visibility splay requirement of 2.4m ‘x’ distance by 43m ‘y’ distance for a 30mph speed limit.

The access road is only 3m wide for most of its length but has been widened by usage at the Westwood Heath Road junction which will allow a vehicle to wait without affecting the main carriageway. The access road is straight so forward visibility is good.

Energy Efficiency / CO2 reduction

The Sustainable Buildings Supplementary Planning Document requires residential and non-residential developments, including conversions to provide 10% of the predicted energy requirement to be produced on site, or in the locality from renewable energy resources except in cases where it can be demonstrated that it is not feasible to incorporate such measures.

No statement has been submitted in support of this application. However, I am satisfied that energy reduction measures would be feasible for this development and Officers consider it appropriate to attach a condition requiring these details to be submitted.

Other Matters

Standard of Accommodation

The accommodation has been assessed by the Private Sector Housing Officer who has advised that the accommodation is acceptable and made the following comments;

- It is assumed the studio flats are to be self-contained units with kitchenettes, although cooking facilities are not marked up.
- The 9 bedrooms share a single kitchen, and since there is no communal sitting room (other than a small sun lounge) will operate as bedsits.
- The communal kitchen will need to be fitted with 2 sets of cooking facilities for 9 persons, this should not present a problem given the size of the room.
- All rooms are of a good size and the layout is reasonable and facilitates means of escape.
- There are no fire precautions marked up. As an HMO adherence to the LACORS fire safety guidance is required.

Open Space Contribution

No public open space is provided as part of the proposal. Therefore in accordance with Policy SC13 and the associated SPD, a contribution for the enhancement of existing open space will be required.

The open space team have requested a contribution of £10,034 based upon a net gain of 9 bedrooms @ £842 per room and 2 bedrooms within the studios at £1,228 per room.

The contribution will be put towards the development objectives of Abbey Fields, relating specifically to signage and interpretation. Abbey Fields scored only 'average' in a number of aspects in the latest Parks Audit (2016). The Green Space Strategy sets out the objective of having our public open spaces rated as 'good' or better.

This can be secured by condition.

Waste Management

The applicants have indicated an area for external waste storage at the rear of the building together with space internally for waste collection. Officers are satisfied that the waste storage is acceptable in this location.

Use of Access Drive

Concern has been raised regarding the suitability of the private drive and whether the use would be allowed to use the access drive. This is a civil matter and is outside of the remit of planning control.

Conclusion

Officers clearly acknowledge that the use of the property as a House in Multiple Occupation in this location would not accord with the parameters set out in Policy H6 of the emerging Local Plan. In assessing the proposal, Officers have taken into consideration the site specific matters that give support to the scheme and when these have been balanced against the conflict with the Policy, Officers are of the opinion that the proposal would be appropriate in this location and the level of harm would not be sufficient to warrant the refusal of planning permission.

Site specific matters including the impact on the openness of the Green Belt, the impact on the local area, the impact on neighbouring amenity and highway safety have all been considered and are acceptable.

The operation of the premises as an HMO has been assessed as an acceptable standard of accommodation and associated facilities are adequate for the use.

Overall, Officers are of the opinion that the scheme is acceptable.

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) 17.2387.GA.104 and 17.2387.GA.103a, and specification contained therein, submitted on 13 April 2017 and 30 May 2017 respectively. **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 part of the development permitted shall be occupied until an Operational Management Plan for the site has been submitted to and approved in writing. The Plan shal include details of the following;

- Details of the maintenance of the building and associated grounds and a schedule of the proposed maintenance operations.
- Details for the operation of the site including details of the guidance/charter for occupiers to minimise noise and disturbance.
- Maximum number of occupants.
- A waste management strategy.

REASON: In the interest of the amenity of the site and neighbouring properties.

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. 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.

5 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 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.

6 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

7 The use hereby permitted shall not be occupied until car and cycle

parking facilities have been provided in accordance with the approved details. The spaces shall be retained as such and kept available for use in accordance with the approved details at all times thereafter.
REASON: To ensure adequate facilities for car and cycle parking are provided for occupiers in accordance with Policy DP8.

8 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 in accordance with the approved details 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: 20 June 2017 **Item Number:** **14**

Application No: W 17 / 0710

Registration Date: 26/04/17
Town/Parish Council: Leamington Spa **Expiry Date:** 21/06/17
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

88 Westlea Road, Leamington Spa, CV31 3JE
Change of use from 6 bed HMO (Use Class C4) to 7 bed HMO (Sui Generis) FOR Mr. A. Dhesi

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for a change of use of an existing 6 bed HMO (Use Class C4) to 7 bed house in multiple occupation (Sui Generis). No external alterations are proposed and the scheme would make use of an existing store to provide a bedroom. The agent has shown three off street car parking spaces to the front of the property.

THE SITE AND ITS LOCATION

The application relates to a two storey semi-detached dwelling with off street parking to the front of the property. The application site is positioned to the north east of Westlea Road which is in a predominately residential area, with a community centre nearby to the site.

PLANNING HISTORY

W/03/1968 - application granted for alterations to roofline to provide additional room in roofspace.

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)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE2 - Developing Strategic Housing Sites (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)
- H6 - Houses in Multiple Occupation and Student Accommodation (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)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection, concern regarding the size of the communal area, the bedroom to the second floor is more than one floor away from the communal area and the proposed bedroom is too small.

Private Sector Housing: No objection, the increased occupancy will require additional cooking facilities which are due to be installed in August.

Waste Management: No objection.

Open Space: No objection, subject to provision of £842 towards the improvement of local open spaces.

WCC Highways: No objection, subject to condition.

Public Response: 4 objections received on grounds of: the proposed additional bedroom size, insufficient parking, waste disposal, lack of maintenance of the property and potential for anti-social behaviour.

ASSESSMENT

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

- Principle of the Development - whether the proposals would cause or add to a harmful over-concentration of HMO accommodation in this area
- Living conditions of the occupiers
- Car parking and highway safety
- Sustainability
- Open Space
- Ecological Impact
- Health and Wellbeing

Principle of the Development - whether the proposals would cause a harmful over-concentration of HMO accommodation in this area

Emerging Local Plan Policy H6 for Houses in Multiple Occupation states that planning permission will only be granted for Houses in Multiple Occupation, including student accommodation, where:

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

As this property is already a registered HMO, and the application purely seeks to add one bedroom to the property, there would be no increase in the proportion of dwelling units within a 100 metre radius of the application site. However, in the interests of clarity, the calculation of the proportion of dwelling units in multiple occupation was calculated, and is 5.9%. The proposed development will not increase this.

Furthermore, the property is located within 400 metres of a bus stop, does not lead to sandwiching of a non HMO property between two HMOs and does not lead to a continuous frontage of 3 or more HMOs.

Waste Management have no objection to the proposal and note that the property is already serviced with a grey bin and alternative week collections, which will not change.

In conclusion, the principle of the development is considered to be acceptable and conforms with the NPPF and emerging local plan Policy H6.

Living conditions of occupiers

There have been four public objections and an objection from the Town Council regarding the size of the proposed additional bedroom. Furthermore, the Town Council have concerns regarding the size of the communal area and that the bedroom to the second floor is more than one floor away from the communal area. However, Private Sector Housing have been consulted and are satisfied

with the proposal, including the internal arrangements. They note that the increased occupancy will require additional cooking facilities which are due to be installed in August and that the room size is sufficient. The room size has been confirmed as 6.72sqm and therefore, this exceeds the Council's minimum requirement of 6.5sqm.

The development is therefore considered to provide adequate living conditions for the future occupiers of the additional bedroom in accordance with adopted Local Plan Policy DP2.

Car parking and Highway Safety

Policy DP8 states that development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) *Vehicle Parking Standards* sets out Warwick District Council's detailed parking standards for developments.

The agent shows three off street car parking spaces in front of the application property, however, the requirement when considering the increased number of bedrooms would be 4 spaces for this size HMO. There has been concern shown from local residents and a Councillor that there is insufficient parking provided by the development and that on street parking can sometimes be difficult, particularly as the nearby Community Centre attracts a lot of visitors.

The Highways Authority have made two site visits to the application site, one during the day and one during the evening. They note that currently, only one parking space is available within the site boundary which would be in accordance with the Council's adopted Vehicle Parking Standards. However, three spaces could be accommodated to the front of the application property if the lamp column currently positioned in front of the application site is moved. Therefore, there would be an increase of one parking space required within the street. WCC Highways concluded that if the lamp post is relocated at the expense of the applicant which can be secured by condition, then the additional one parking space required could be accommodated on street, without a detrimental effect on pedestrian and highway safety.

It is therefore concluded that the proposed development would have no detrimental impact on highway or pedestrian safety which would warrant reason for refusal of the application and that the development accords with adopted Local Plan policy DP6.

Sustainability

Due to the limited scale of the 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 not be appropriate.

Open Space

The Open Space team have no objection to the proposed development, subject to contribution of £842 towards local open space improvements. It is likely that

the funds will be put towards Victoria Park, relating specifically to landscaping and biodiversity improvements. Currently, there are no Section 106 agreements in place to secure improvements to Victoria Park which scored only "average" in a number of aspects in the latest Parks Audit. This can be secured by condition.

Ecological Impact

No issues.

Health and Wellbeing

The proposal will provide an additional bedroom to an existing HMO which contributes towards the health and wellbeing agenda through the provision of additional accommodation.

Other Matters

Public objections have also expressed concerns regarding the lack of maintenance of the application property and potential for anti-social behaviour. However, the maintenance of a property is not a material planning consideration and the Council has no evidence to suggest that an increase in one bedroom to this existing HMO would be likely to lead to an increase in anti-social behaviour.

CONCLUSION

The proposed additional bedroom to the existing HMO within this area adheres to the criteria set out within the emerging Local Plan and more specifically Policy H6. There would be no additional harm to nearby uses or residents as a result of the proposal and the parking arrangements, subject to a condition to move the existing lamp post to the front of the application site, are considered to be acceptable. Adequate waste storage is already provided and therefore the application should be granted.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 2148/1, and specification contained therein, submitted on 19th April 2017. **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 The development shall not be used for the purpose hereby permitted until the Highway Lamp Column has been relocated to a location agreed by the Highway Authority. **REASON:** To ensure the provision of adequate off street parking, the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

Planning Committee: 20 June 2017 **Item Number:** **15**

Application No: W 17 / 0809

Registration Date: 05/05/17
Town/Parish Council: Baginton **Expiry Date:** 30/06/17
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Baginton School (Lucy Price Schoolrooms), Church Road, Baginton, CV8 3AR

Proposed demolition of existing school building and the erection of 2no. new dwellings, and associated landscaping. FOR Trustees of the Lucy Price Sunday School Trust

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

RECOMMENDATION

Planning Committee are recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

The applicant seeks full planning permission for the demolition of Baginton School and erection of 2no. semi-detached two storey, four bedroom dwellings. Driveway parking is provided to the side of each property and one of the properties would benefit from an underpass to provide some covered parking.

The proposed dwellings include front facing dormer windows and would be constructed from facing brickwork and plain clay tiled roofs. The scheme has been amended from the previously refused scheme for the erection of two detached dwellings which provided off street parking to the front of the properties.

THE SITE AND ITS LOCATION

The application site is positioned to the north of Church Lane and is located within the Green Belt and Conservation Area. The site currently accommodates a single storey former school building which fronts directly onto the pavement serving Church Lane. To the sides and rear of the school building, there is hard landscaping providing car parking. To the rear of the site, the land level steps up and provides a small grassy area, with some overgrown vegetation and a high level boundary treatment to the north of the site.

To the west of the site lies St John the Baptiste Church, a Grade I listed building dating from the thirteenth century. To the east and south of the site, there are a

number of residential dwellings, some of which are Grade II listed buildings and primarily front onto Church Lane.

PLANNING HISTORY

W/16/0606 - application refused for the demolition of the former school building and erection of 2no. dwellings.

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)
- 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)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (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)
- 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)
- FW2 - Sustainable Urban Drainage (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)
- H1 - Directing New Housing (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)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS8 - Protecting Community 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)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Supports the application for following reasons:
- The schoolroom is derelict and no longer functions as an asset, and there are other facilities available within the wider area.
- The building may become a hazard if left to deteriorate.
- The existing building is not sympathetic to the Conservation Area, but the proposed dwellings would fit well within the street scene.
- The proposed set-back mirrors that of Glebe Barn opposite.

Cllr Redford: Supports application, the existing building is derelict and not in keeping with the street scene. The proposed dwellings will enhance the area and setting of the church.

WCC Highways: No objection.

WCC Ecology: No objection, subject to conditions.

Open Space: No objection, subject to provision of £6,736 towards the improvement of local open spaces.

WCC Archaeology: No objection, subject to conditions.

Public Responses: Old School House: Objection, the plans accord with the NPPF in terms of use of previously developed land, but the proposed structures are considerably larger and higher elevation than the current building; the proposed dwellings are at odds with the established character of the Conservation Area and provide no public benefits; there will be a loss of light and privacy to the first and second floor windows to the neighbouring property.

Lucy Price House: Supports the application, as the existing building is derelict and inappropriate in the Conservation Area.

Baginton Parochial Church Council: Support the application, as the existing building is not useable on safety and practicality grounds. The Trust who owns the property is unable to afford to pay for its upkeep and there are other community facilities. The profits from the site will be used to construct a purpose built cabin on the churchyard which will allow the trustees to provide a Sunday school for the children of Baginton. The dwellings would also be an enhancement to the church.

Baginton Parish Council:
It is believed that our local public open spaces have no development shortfalls that will be exacerbated by this application, and hence the Parish Council do not think there should be a planning condition or an s106 agreement placed on the application in this respect.

The population of Baginton constantly fluctuates and our open spaces and other amenities can easily accommodate any overall increase in residents that this development may bring.

ASSESSMENT

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

- Principle of the Development
- Loss of a Community Facility
- Impact on the Green Belt
- The Impact on the Character and Appearance of the Area
- The Impact on the living conditions of nearby dwellings
- The Impact on Landscape and Heritage Assets
- Open Space
- Archaeology
- Car Parking and Highways Safety
- Drainage and Flood Risk
- Sustainable Energy
- Ecological Impact
- Health and Wellbeing
- Other Matters

Principle of the Development

The relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1 as the site is not located within a Limited Growth Village as identified within the policy. The proposal meets none of exceptions contained within RAP1 and therefore the development is not acceptable in principle.

Loss of a Community Facility

Adopted Local Plan policy SC8 states that the redevelopment or change of use of community facilities that serve local needs will not be permitted unless: there are other similar facilities accessible to the local community by means other than a car; and either the facility is redundant and no other user is willing to acquire and manage it; or there is an assessment demonstrating a lack of need for the facility within the local community.

According to the Planning Statement, the building was historically used as a school for poor children of the Parish and closed in 1976. The Trust in charge of the site then used the building as a Sunday School / Youth Centre until 2010 when the maintenance costs became unviable. The Sunday School is currently being held within the nearby Church but is only a short term option. The Planning Statement claims that the profits from the sale of the two dwellings would be used to fund the Trust's "objectives".

A letter from Baginton Parochial Church Council was submitted as part of the application. This letter confirms that the intension is for the funds made through the sale of the proposed dwellings to be used to construct a purpose-built cabin in the churchyard so that the Trust can provide a Sunday school.

Public comments submitted indicate that the site is redundant, however, this contradicts the aims of the Trust to construct a new building with the profits of the sale of the proposed dwellings to provide a permanent Sunday School. It appears to the Council that the building is not being used owing to its state of disrepair, rather than lack of need for the facility. The Planning Statement notes that there are "*other sufficient accessible underused facilities in the village such as the Royal British Legion Club and the Village Hall*". However, there has been no evidence submitted to support this claim which would clarify the current availability of these facilities and whether they could accommodate additional use, or why the Sunday school could not be carried out there.

It is not considered that it has been demonstrated that the facility is redundant and that no other users are willing to acquire it, or that there has been a formal assessment demonstrating a lack of need for the facility within the community. Therefore, the loss of this community facility is not acceptable in principle and the proposal is considered to be contrary to Local Plan policy SC8.

Impact on the Green Belt

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that there is an objection in principle to inappropriate development within the Green Belt and determines that exceptions to inappropriate development in the Green Belt includes the partial or complete redevelopment of a previously developed site, so long as it does not have a greater impact on the openness of the Green Belt.

Therefore, as the site is considered to be brownfield, redeveloping the site would be acceptable and would not be harmful to the Green Belt, so long as it does not have a greater impact on openness. Under the previous scheme, two detached dwellings with a gross floor space of 326sqm were proposed to replace the existing building which has a gross floor space of 172sqm. As the previous scheme was considered to be more harmful to openness than the existing building, the scheme has been amended from the previous submission; it now provides only one building overall, rather than two separate buildings which was considered to cause more harm to openness. However, the proposed development would provide a total floor space of 308.3sqm (note that the porches and underpass have been calculated within the gross floor space as these areas could be filled in without the need for planning permission at any time and still impact on openness). Therefore, whilst the development would provide one building, the overall bulk and mass has been significantly increased from the existing single storey building. The visual impression of the properties would be read as a two storey building which is substantially larger than the existing property, which does have a greater impact on openness.

Whilst the site is previously developed land, the proposed dwellings would be considerably larger in scale, bulk and mass, significantly increasing the floor space from 172sqm to 308.3sqm which would have a greater impact on the openness of the Green Belt. Therefore, the proposed development is considered to be contrary to the NPPF.

The Impact on the Character and Appearance of the Area

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

The previous scheme proposed parking to the front of the dwellings, which were set well back from the pavement. However, the prevailing character within the street scene are dwellings which are set directly against the pavement or highway. Therefore, the development was not considered to be appropriate within the street scene. The scheme has been amended to provide parking to the side of each semi-detached dwelling. However, the properties are still stepped back from the main highway. The Glebe Barn is the only residential property within the street scene which is set back from the main highway, and all of the other dwellings and the existing building are set hard against the main road. Therefore, whilst this one dwelling is stepped back, it is considered that it would be more appropriate for the dwellings to be set against the highway and that the proposed siting of the development is therefore harmful to the street scene.

Furthermore, the proposed design of the properties is incongruous and out of keeping within the street scene. There is a cluster of traditional properties as you enter this part of Church Road, some of which are rendered and some are constructed from traditional red bricks, with gable features. Whilst there is some variety in the street scene, the overall impression is of a traditional village setting. Conversely, there are no dormers within the street scene, other than one small flat roof dormer to the front of the The Glebe Barn. Owing to the very modest nature of this dormer, it is very discrete. The proposed dwellings would have four pitched roof dormers and three flat roof dormers in total across the front roof slope, some of which would have wavey edge timber boarding. These would provide dominant features which appear completely alien within the street scene and would be harmful. Furthermore, the timber boarding would also appear incongruous within this context.

The proposal also includes an underpass to provide a shelter for cars or storage. However, this feature is totally incongruous within the street scene, which has no similar features. The underpass would be out of keeping and inappropriate in this context and is considered to be harmful to the street scene.

The proposal would be a significant departure from the existing single storey structure, providing a large two storey building, rather than a single storey building. The development is not considered to respect the character of the wider street scene and is considered to detrimentally impact on the wider area by reason of it's siting and design. Therefore, the proposed development is considered to be contrary to the NPPF, Local Plan policy DP1 and the Residential Design Guide.

<u>The Impact on Landscape and Heritage Assets</u>

Warwick District Council adopted Local Plan policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary. The policy

requires that new development within the Conservation Area should make a positive contribution to the local character and distinctiveness of the Conservation Area. Adopted Local Plan policy DAP9 relating to unlisted buildings in Conservation Areas reiterates this by stipulating that alterations and extensions should be refused where they adversely affect the character, appearance or setting of a Conservation Area. Adopted Local Plan policy DAP4 reinforces the NPPF by stipulating that works must not adversely affect the listed buildings special architectural or historic interest, integrity or setting.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

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.

Officers and Historic England previously showed concern regarding the positioning of the properties and the fact that the development provided two separate buildings rather than one. The amended scheme now only provides one building, however, both the Conservation Officer and Historic England still raise concerns regarding the siting of the dwellings. It was recommended by the Conservation Officer and Historic England under the previous submission that the dwellings were positioned against the highway, however, this has not been accommodated.

The removal of the existing structure is not considered to cause harm to the Conservation Area; the building is not considered to be of significant architectural merit which would warrant its retention and it is not considered to enhance the Conservation Area. However, the proposed dwellings are considered to cause harm to the Conservation Area and setting of the Grade I listed church to the west of the site. The dwellings are not considered to respect the established character of this part of the Conservation Area, where dwellings are traditionally positioned against the highway. Historic England raise concerns regarding the impact which the proposed development would have on the setting of the Grade I listed church, such as the impact of the tall boundary fence positioned to the south western boundary, and would want to see the open views of church maintained, which is a view supported by Officers.

Furthermore, it is noted that there has been no detailed analysis of how the proposed elevations will relate to the listed church or assessment of views from the church of the proposed new dwellings. There has been no justification of

setting the dwellings back from the main highway and states that the proposed siting is harmful to the Conservation Area as the siting does little to screen the view of cars within the street scene. Furthermore, setting the dwellings back is not considered to enhance views of the church and introduces a more sub-urban layout to the village, which is harmful to both the Conservation Area and setting of the Grade I listed church.

Whilst the development would provide two new dwellings, it is not considered that the public benefits which this would bring, when considering the impact which these properties would have on the openness of the Green Belt and its rural setting, would outweigh the harm caused to the Conservation Area and setting of the adjacent listed building. The development is therefore considered to be contrary to the NPPF, Local Plan policies DAP8 and DAP4.

Open Space

Open Space have commented on the proposal and identify that the additional residents brought to the area by this application will put more pressure upon existing open space. They recommend that a contribution of £6,736 would be an appropriate requirement for this proposal, however, they have requested that Baginton Parish Council are consulted to determine where the funds could be most appropriately placed. The Parish Council state that there are no development shortfalls where the open space contribution could be placed, and as such do not consider that it is necessary to provide the funds on this occasion. For this reason, no open space contribution is required for the proposed development.

Archaeology

The proposed development lies within an area of significant archaeological potential, within the probable extent of the medieval settlement at Baginton (Warwickshire Sites and Monuments Record MWA 9492). There is therefore a potential for archaeological deposits, including structural remains, boundary features and rubbish pits, associated with the occupation of this area during the medieval and post-medieval periods to be disturbed by the proposed development. WCC Archaeology has therefore requested conditions requiring the provision of a scheme of archaeological works and an archaeological mitigation strategy, which are considered to be acceptable.

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.

The Glebe Barn is positioned opposite to the application site. This is a two storey dwelling and the minimum distance separation required for the proposed development would usually be 22 metres. The proposed dwellings are positioned 11 metres away from this neighbour. Whilst this does not meet the Council's minimum distance separation requirement, the guidance does state that within Conservation Areas, where the overriding need is to preserve or enhance the appearance of the area, the provisions of the guidance will not need to be directly applied. Therefore, in this instance it is considered that the requirement to apply this guidance is not needed. It is not considered that the proposed dwellings would have a material harm to the living conditions of the occupiers of Glebe Barn which would warrant reason for refusal.

The Old School House is positioned to the east of the application site and sits further forward than the proposed dwellings. There has been an objection from the occupants of this property that there will be a loss of light and privacy to the first and second floor windows to the neighbouring property. However, it is considered that there would be no loss of light or outlook as a result of the proposed development as it would be at least 7.5 metres from the proposed development at its closest point. Furthermore there are no first floor side facing windows which would overlook this neighbour. For these reason it is not considered that there would be material harm caused to the living conditions of the occupiers of Old School House which would warrant reason for refusal of the application.

The proposal is therefore considered to comply with Local Plan policy DP2 and the Residential Design Guide.

Car Parking and Highways Safety

The proposal provides a driveway for each dwelling to the side of each property, one which benefits from an underpass. However, the entrance to the underpass is only 2.45 metres wide. To meet the Council's adopted Vehicle Parking Standards, the underpass would need to be 3.5 metres wide as the space is between two walls, therefore this cannot be counted as a space. The space in front of the underpass is only 3.2 metres in depth, which should be 4.8 metres, so this also cannot be counted as a space. Therefore, only one space at the rear of the site is considered to meet the Council's adopted Vehicle Parking Standards, and the parking for this dwelling falls below the minimum guidance of 2 spaces.

The driveway parking provided to the other dwelling is 2.765 metres wide. As there would be a fence positioned to the boundary and a wall to the other side of the spaces, the minimum width for the car parking spaces would need to be 3.5 metres. Therefore, the proposal is not considered to provide any adequate parking which meets the Council's minimum standards for this dwelling.

WCC Highways have no objection to the development, however, on inspection of the dimensions of the underpass and driveway for one of the dwellings, it is not considered that adequate off street parking is provided by the proposed development. This could lead to a detrimental impact on amenity and therefore, the development is not considered to comply with adopted Local Plan policy DP6 and DP2.

Drainage

There has been no information provided in relation to landscaping other than that shown on the block plan which makes reference to soft landscaping only. A condition could be applied to the application for the provision of a soft and hard landscaping scheme prior to commencement of works to ensure that sustainable drainage systems are provided.

Sustainable Energy

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 provided details to show that an air source heat pump will be used to provide renewable energy for the properties, however, further information is required in order to ensure that the minimum level of energy will be provided. This information could be secured by condition.

Ecological Impact

WCC Ecology have commented on the proposal and consider that the application can be conditioned to ensure that no harm comes to protected species. They recommend the inclusion of conditions which require the provision of a protected species method statement, a combined ecological and landscaping scheme and a tree protection plan all prior to commencement of works on site, and notes in relation to bats and lighting which affects animals. These conditions are considered to be reasonable.

Health and Wellbeing

No issues of health or well-being are raised, however, the proposal would provide additional homes.

CONCLUSION

The proposed development of two dwellings would represent the loss of a community facility and is considered to be harmful to the openness of the Green Belt and would have a detrimental impact on the Conservation Area, and setting of a Grade I listed building. There are no public benefits are considered to outweigh the harm caused to the Conservation Area or setting of the listed building. Furthermore, the development is considered to be harmful to the existing street scene and could also potentially cause harm to protected wildlife species. Therefore, the proposal is considered to conflict with the NPPF and aforementioned Local Plan policies and guidance.

REFUSAL REASONS

1 The application site comprises a building which until recently has had a longstanding community use and which is located in the Green Belt and the Baginton Conservation Area in close proximity to a Grade I Listed Church.

The proposed development by reason of its location, nature, design, materials, bulk and massing would:-

i. Result in the loss of an existing longstanding local community facility which the applicant has failed to demonstrate is either redundant; no longer needed, or provided in an alternative accessible location.

ii. Comprise inappropriate development within the Green Belt to which there is an objection in principle and in respect of which no very special circumstances sufficient to outweigh that harm have been demonstrated;

iii. Be harmful to i. the setting of the immediately adjacent Grade I Listed Church; and ii. the character and appearance of the Baginton Conservation Area within which the site is located and therefore the significance of those heritage assets. That harm, whilst less than substantial would not be outweighed by any public benefits offered by the scheme.

iv. Result in a development, the detailed design of which is incongruous and does not harmonise within the street scene to the detriment of the established character of this part of the village;

v. Make insufficient provision for car parking within the site and therefore increase the likelihood of additional parking within the public highway causing danger and inconvenience to other road users.

That development is therefore contrary to the National Planning Policy Framework and the following Development Plan policies:

The Warwick District Local Plan 1996 – 2011

- Policy SC8: Protecting Community Facilities
- Policy DP1: Layout and Design
- Policy DAP4: Protection of Listed Buildings
- Policy DAP8: Protection of Conservation Areas
- Policy DP8: Parking

The Emerging Warwick District Local Plan 2011 -2029

- Policy HS8: Protecting Community Facilities
- Policy DS19: Green Belt
- Policy BE1: Layout and Design
- Policy HE1: Protection of Statutory Heritage Assets
- Policy HE2: Protection of Conservation Areas
- Policy TR4: Parking