Planning Committee

Tuesday 18 June 2019

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa, on Tuesday 18 June 2019 at 6.00pm.

Councillor Boad (Chairman)
Councillor Morris (Vice Chairman)

Councillor M Ashford	Councillor N Murphy
Councillor R Dickson	Councillor W Roberts
Councillor T Heath	Councillor S Sanghera
Councillor J Kennedy	Councillor J Weber
Councillor V Leigh-Hunt	

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda
Part A – General

1. **Apologies & Substitutes**

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

2. **Declarations of Interest**

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

Declarations should be 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.

3. **Site Visits**

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

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4. **Minutes**
To confirm the minutes of the meeting held on 22 May 2019. **(Pages 1 - 12)**

Part B – Planning Applications

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

5. **W/19/0208 – Pheasant Lake, Birmingham Road, Wroxall (Pages 1 to 5)**

6. **W/19/0485 – 5 Sherbourne Court, Vicarage Lane, Sherbourne (Pages 1 to 4)**

7. **W/19/0519 – Red House Farm, Red House Farm Lane, Beausale (Pages 1 to 6)**

8. **W/19/0741 – Lillington Free Church, Cubbington Road, Lillington, Royal Leamington Spa (Pages 1 to 13)**

Part C – Other matters

9. **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 put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email committee@warwickdc.gov.uk any time 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 website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

Published Monday 10 June 2019

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

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

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

Please note that the majority of the meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 456114 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

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 Wednesday 22 May 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillors Ashford, Boad, R Dickson, Heath, Kennedy, Leigh-Hunt, Morris, Murphy, Roberts, Sanghera and Weber.

Also Present: Committee Services Officer – Mrs Tuckwell; Legal Advisor – Mrs Sharma; Development Services Manager– Mr Fisher; Head of Development Services – Mr Barber.

NB: Following the publication of the agenda, the membership of the Committee was amended by Council on 16 May 2019 to replace Councillor Redford with Councillor Murphy.

1. **Apologies and Substitutes**

An apology for absence was received from Councillor Murphy.

2. **Appointment of Chairman**

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

Resolved that Councillor Boad be elected Chairman of Warwick District Council's Planning Committee for the municipal year 2019/20.

3. **Appointment of Vice-Chairman**

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

Resolved that Councillor Morris be elected Vice-Chairman of Warwick District Council's Planning Committee for the municipal year 2019/20.

4. **Declarations of Interest**

Minute Number 10 – W/19/0596 – Land off Leam Street, Royal Leamington Spa

Councillor Weber declared an interest because he spoke to the applicant but he was not predetermined.

5. **Site Visits**

There were no site visits but Councillor Weber informed the Committee that he had visited the site of W/19/0596 – Land off Leam Street, Royal Leamington Spa, and sent some photos to the Planning officer.

6. **Minutes**

The minutes of the meeting held on 23 April 2019 were taken as read and signed by the Chairman as a correct record.

The Chairman allowed a few minutes for the Committee to read the Addendum.

7. **W/18/2390 – Woodlands House, Ashow Road, Ashow**

The Committee considered an application from Mr and Mrs Mc Leod for the conversion of existing garage for horse boxes and trailers for a two-bedroom dwelling (resubmission of application W/17/1357).

The application was presented to Committee because Ashow Parish Council supported the application and it was recommended for refusal.

The principle of development was considered acceptable by the officer in respect of both the location for new housing to be created and also in terms of Green Belt. The re-use of an existing building constituted an appropriate form of development in the Green Belt for which the submission of very special circumstances was not required.

Notwithstanding the principle of development being considered acceptable in accordance with Policy H1 of the Local Plan and paragraph 146 of the NPPF, the proposed sub-division of the host dwelling's curtilage would result in the creation of a very small dwelling within an equally small plot size which was uncharacteristic of the immediate surrounding character and would not reflect the surrounding settlement pattern within the village. Similarly, it would result in a new dwelling and its curtilage being crammed into the north eastern corner of the site which would share an awkward relationship with the host dwelling and would be at odds with the general sense of spaciousness that existed between dwellings in this part of the village.

Previous reasons for refusal related to neighbour amenity and highway safety had been resolved and these aspects of the development were now considered to be acceptable and in accordance with the relevant provisions of the Development Plan.

No protected species or other features of ecological importance would be impacted by the development, however, in light of the above considerations related to the impact on the character of the area, it was considered that the development would fail to comply with Policy BE1 of the Local Plan. For this reason, it was recommended by the officer that planning permission should be refused.

Ms Donna Savage addressed the Committee, speaking in support of the application.

During the debate, it was clarified that the Conservation Officer had no objection to the application. Councillors felt that the proposal met the requirements of Local Plan Policy BE1 – Layout and Design.

An addendum circulated at the meeting advised Members that the Parish Council supported the application with the provision that the access splay conformed to the Highway Authority's specifications.

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

Resolved that W/18/2390 be **granted** contrary to the recommendations in the report, subject to a condition regarding removal of permitted development rights and other conditions to be set by the Head of Development Services in consultation with the Chairman of Planning Committee.

8. **W/19/0182 – Land adjacent to The Rising, Old Warwick Road, Rowington**

The Committee considered an application from Kingswood Homes Ltd for a resubmission of W/18/1226: erection of two-storey five-bedroomed house.

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

The proposal was considered to represent an appropriate form of development within the Green Belt and was not considered to cause harm to the character of the area. The proposed dwelling was considered to have been appropriately designed to integrate well into the street scene and was of an appropriate form and scale. In the officer's opinion, the development would not have a harmful impact on neighbouring residential amenity or highway safety as to warrant reason for a refusal of the application. The development would not have a harmful impact on wildlife. The development was therefore recommended for approved.

The following people addressed the Committee:

- Councillor Henderson, Rowington Parish Council, objecting; and
- Mr Hussey, supporting the application.

An addendum circulated at the meeting advised of an updated response from the Parish Council, which maintained its objection because of the adverse impact on the character and appearance of the area and increased density, which was out of keeping within the local area. The Parish Council conducted a public consultation prior to publishing a Parish Design Statement in December 2017. Over 100 responses were received, representing approximately 26% of residents. Key findings included that there was a strong desire to maintain the open-space character of the area, and where infill developments were considered, they should reflect the general character of the surrounding buildings and the parish in general.

In addition, the Inspector for the 2014 appeal on the application site concluded that the proposed infilling of the site would be harmful to the character of the area. The approval of a detached dwelling to the north west of the site along Old Warwick Road and also to the north of the site

along the Avenue had no impact on the openness of properties along the Old Warwick Road.

Properties were spaced at intervals of at least 20 metres and the site context continued to represent a "dispersed pattern of development". The proposed building would reduce the gap between adjacent properties to less than four metres, thereby destroying the open character of the street scene. The open application site was a defining feature of the village. The character of the site represented an integral part of the village and its loss would be harmful to the distinctiveness of the area, notwithstanding the more recent development allowed nearby.

In response, officers considered that the construction of three new dwellings within close proximity to the application site had affected the character of the area. As clarified in the report, the proposal was considered to represent limited infilling. Members were reminded that the Parish Design Statement had not been adopted and therefore could only be offered limited weight in determining the application.

The addendum also informed Members of a sustained objection because the reduction in the scale of the development did nothing to reduce the impact of an infill development, creating a ribbon development along this part of Old Warwick Road. Concern had been expressed regarding the parking provision, the ability to leave the site in a forward gear and visibility splays.

In addition, a response from Warwickshire County Council Highways advised that from measured speeds, the visibility requirement was 85 metres, not 120 metres as suggested by neighbours, and the method of calculation was clear in the Transport Statement. The splays had been measured by Highways officers on site with the applicant in line with the guidance in Manual for Streets 2 and they were achievable.

In respect of turning facilities, Highways officers' professional judgement was that there was sufficient turning space available within the site boundaries, without the requirement for a swept path analysis. They considered that there was sufficient space available outside of the area allowed for parking to facilitate turning to take place, therefore this met their requirements.

In the addendum, officers confirmed that the overall height of the dwelling had been increased by one metre since the original proposed plans. However, this still remained lower than the ridge height of the dwelling to the south of the site, creating a "step" between the properties to the north and south of the site, which sat comfortably within the street scene. The gaps between the proposed dwelling and the boundaries were originally a maximum of 1.4 metres. The gaps were now 3.1 metres to the south and 5.8 metres to the north.

The addendum advised of a correction to the report under the section entitled, *"Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified"*, application reference W/16/0383 was noted. However, the correct reference number was W/16/0838.

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

The Committee therefore

Resolved that W/19/0182 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

(1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 048-10_, 048-21_ and 048-20_, and specification contained therein, submitted on 29th April 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

(3) no works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from Warwickshire County Council Ecological Services). The scheme must include all aspects of: landscaping and details of bat and bird box locations and other species enhancements. The scheme shall be fully implemented and maintained in accordance with the agreed details. **Reason:** In accordance with NPPF, ODPM Circular 2005/06 and to ensure that protected species are not harmed by the development in accordance with policy NE2 of the Warwick District Local Plan 2011 – 2029;

(4) the site must be surveyed for the presence of badgers immediately before any development takes place. If evidence of badgers is found at this time, a full badger survey must then be carried out by a badger expert. The results of all survey(s) and recommendations must be agreed in writing by the Local Authority prior to works commencing on site.

Reason: To ensure that protected species are

not harmed by the development in accordance with policy NE2 of the Warwick District Local Plan 2011 – 2029;

(5) the development hereby permitted shall either:

a) be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds, 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. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist.

Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **Reason:** To ensure that protected species are not harmed by the development in accordance with policy NE2 of the Warwick District Local Plan 2011 – 2029;

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

(7) there shall be no development above slab level unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard

surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

(8) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

(9) the development hereby permitted shall not be occupied unless and until the car parking areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan

2011-2029;

(10) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway in accordance with details shown on submitted plan P1278/101C (contained within the Transport Statement), and until a turning area has been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear. At all times thereafter the turning facility shall be kept free of obstruction and shall be kept available for its intended use, and nothing in the visibility splay shall exceed 600mm in height. **Reason**: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

(11) 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:** To ensure that a pavement and verge crossing is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

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

(13) the development shall be carried out strictly in accordance with the control measures described and illustrated in Tree Report submitted as part of the application. The tree

protection measures must be fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

9. **W/19/0447 – 76 The Fairways, Royal Leamington Spa**

The Committee considered an application from Dr Anissa Tse for amendment of the height of the parapet wall over the single storey rear extension and amend the design of the front porch granted under planning permission ref: W/16/0552 (part-retrospective application).

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

The officer was of the opinion that the addition of a parapet wall over the approved single storey rear extension was of an acceptable design that would not be detrimental to the amenity of neighbouring properties. In addition, the revised design of the approved porch was considered acceptable for the existing property and the street scene.

Mr Collins addressed the Committee, objecting to the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Sanghera and seconded by Councillor Weber that the application should be granted.

The Committee therefore

Resolved that W/19/0447 be **granted** in accordance with the recommendations in the report, 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(s) 2016-1551-2B, 2016-1551-3E, 2017-1551-4E, and specification contained therein, submitted on 14th March 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

10. **W/19/0596 – Land off Leam Street, Royal Leamington Spa**

The Committee considered an application from Ballinger Properties for demolition of front part of existing brick wall to allow for a wider access into the site to the rear.

The application was presented to Committee following a request from Ms Weed, who at that time had been a Member of Warwick District Council.

The officer was of the opinion that the wall was not a historic feature in the Conservation Area and the Conservation Officer did not have any objections to its removal. It was therefore considered that the removal of the wall would preserve the character and appearance of the Conservation Area and would accord with Policy HE2 of the Warwick District Local Plan (2011-2029).

The following people addressed the Committee:

- Ms Weed, objecting to the application; and
- Mr Ballinger, supporting the application.

An addendum circulated at the meeting advised Members of a typing correction in the report. The second sentence in the final paragraph under the heading *"Impact on the Character and Setting of the Conservation Area"* should have read:

"The Conservation Officer has not raised any objection to the demolition of the wall. He considers the wall does not make a positive contribution to the Conservation Area and ***does not*** *bear any historical significance."*

In addition, the addendum informed Members of an additional comment received from a local resident confirming that a legal notice under Section 11A of the Landlord and Tenant Act 1987 had been served by the tenants of Albert Court on Ballinger Properties which challenged Ballinger Properties' legal right to buy this piece of land and to deny the residents access to it. It was requested that the application was not discussed at the committee meeting until the outcome was known.

The addendum informed Members of officers' response advising that as this was a civil legal matter regarding the sale of land and the rights of third parties to use the land, it was not relevant to the planning merits of this application. Any material change in the use of the land under planning legislation would be subject to planning permission.

Councillor Morris was concerned that when checking on the Local Planning Authority's website for this particular application, it appeared that the Conservation Officer's views on this matter changed. On an email dated 16 April 2019, the Conservation Officer emphasised that the wall proposed for demolition was a historic rear boundary wall and removal was not supported due to detrimental harm caused to the appearance and character of the Conservation Area. In addition, there were no public benefits identified or convincing justification presented outweighing this harm, contrary to heritage policies contained within the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

However, another email dated 30 April 2019 advised that having looked at the application again, the Conservation Officer had no objection to the wall's demolition, which had several types of brickwork, including modern interventions, no consistent bond and it did not have a positive contribution towards the Conservation Area.

Councillor Morris was concerned that the Conservation Officer had not visited the application site, and that the application site was part of the Conservation Area.

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

The Committee therefore

Resolved that W/19/0596 be **refused** contrary to the recommendations in the report as the respective wall contributes to the character of the Conservation Area and the application for removal contravenes Policy HE2.

11. W/19/0430 – 24 Vicarage Lane, Sherbourne

The Committee considered an application from Mr Oliver Newbury for the erection of a two-storey side and rear extension and alterations to existing outbuilding.

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

The officer was of the opinion that the proposed extensions were considered to be an acceptable design for the existing property that would not have a detrimental impact upon the character and appearance of the Conservation Area. In addition, the proposed extensions would not present a negative impact on the amenity of the surrounding residential properties.

An addendum circulated at the meeting advised that amended plans had been received removing the proposed timber cladding from the outbuilding which was to be replaced by matching brick. Condition 2 (plan numbers) had been updated to include the amended plans and Condition 3 (matching materials) had been updated to omit timber cladding.

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

The Committee therefore

Resolved that W/19/0430 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

(1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be

carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 19-07/PA1/02, 19-07/PA1/03 rev A, 19-07/PA1/04 rev A and specification contained therein, submitted on 15 March 2019 and 13 May 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

(3) excluding the timber cladding as detailed on the approved plans, all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029; and

(4) 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 HE2 of the Warwick District Local Plan 2011-2029.

12. **Planning Appeals Report**

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

Resolved that the report be noted.

(The meeting ended at 8.05pm)

CHAIRMAN
18 June 2019

Planning Committee: 18 June 2019 **Item Number:** 5

Application No: W 19 / 0208

Registration Date: 12/02/19
Town/Parish Council: Baddesley Clinton **Expiry Date:** 09/04/19
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Pheasant Lake, Birmingham Road, Wroxall, Warwick, CV35 7NN
Erection of a detached garage FOR Mr Leone

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of a new double garage building with space for garden machinery and tool storage associated with the residential use of the site.

The building is to be 6.5 metres wide by 7.2 metres deep giving a total footprint of 46.8m2. The building is single storey with a height of 2.4m to eaves with an overall ridge height of 3.8m.

In terms of materials, the proposed building is to be constructed of brick and tile to match the host dwelling on the site. The proposed window and personnel door are to be constructed of timber with the garage doors being plastic coated metal roller-shutter doors.

THE SITE AND ITS LOCATION

The application site comprises part of an organic farm which includes a small complex of buildings set behind a belt of trees on the Birmingham Road frontage.
The site lies in an open countryside location within the Green Belt.

PLANNING HISTORY

W/18/0665 - Erection of an agricultural building – Granted 02.11.2018

W/17/1586 - Side extension of bungalow and other small extensions – Granted 01.11.2017

W/17/0245 - Application for removal of condition 3 (occupancy) of planning permission ref: W/16/2125 (Notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and associated operational development) – Granted 25.05.2017

W/16/2125 - Notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and associated operational development – Granted 23.01.2017

W/16/1670 - Application for a Lawful Development Certificate for established use of building as a single dwelling house (Use Class C3) – Granted 08.11.2016

W/15/0912 - Change of use of existing administration/storage building to single dwelling (retrospective) – Refused 06.08.2015

W/14/1229 - Application for a Lawful Development Certificate for an existing use as a dwelling, private amenity space, parking access – Refused 22.10.2014

W/14/0004 - Variation of condition 3 of planning permission W09/1365 – Refused 27.02.2014

W/13/0913 - Variation of condition 3 of planning permission W09/1365 - Granted 14.01.2014

W/13/0902 - Erection of a single dwelling house (retrospective application) – Refused 01.10.2013

W/09/1365 - Application to vary condition 3 of W/07/0446 to allow for partial non-agricultural office use of existing office building – Granted 28.01.2010

W/08/1150/AG - Erection of implement barn – Granted 02.09.2008

W/07/0783 - Erection of a single storey administration and storage building after demolition of existing timber buildings – Granted 06.07.2007

W/07/0446 - Conversion of barn into offices and storage (for purposes ancillary to the agricultural use) – Granted 19.04.2007

W/06/1954 - Change of use of existing barn to class use B1 office with ancillary storage – Withdrawn 07.02.2007

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)

- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley Honiley & Wroxhall Parish Council: Support the proposal.

WCC Ecology: As there are ponds within close distance to the site, recommend that a method statement for great crested newts (reasonable avoidance measures) is submitted by a qualified ecologist prior to determination of the application. Also recommend a bird note be attached to any approval granted.

ASSESSMENT

Whether the proposal constitutes appropriate development in the Green Belt

As the application site lies within the Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 states that new buildings within the Green Belt are considered to be inappropriate development which is harmful by definition and also by reason of harm to openness.

In these cases, Paragraph 143 of the NPPF states that development should not be approved except in very special circumstances.

There is no permitted development fallback for the garage building as the property is subject to a legal agreement in the form of a Unilateral Undertaking that has removed all permitted development rights for the dwelling.

No other very special circumstances have been put forward that would override the harm identified.

The proposal is therefore contrary to Policy DS18 and the NPPF.

Design

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

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

The Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

The proposed building is to be constructed of brick work under a tiled roof to match the host property. It is well located to the host property on an area currently used as garden land. The building is subservient in scale and appearance of the host property that it is proposed to serve.

Overall, it is considered that the design and appearance of the building is acceptable for the purpose of the building and no objection is raised in design terms.

Impact on visual amenity and the character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The building is well located on the site in relation to the existing built form. The single storey nature of the building is also in keeping with the adjacent buildings in terms of appearance.

The site is set away from the public domain by dense tree belts and public views are extremely limited. Notwithstanding this, the design of the building and its siting is appropriate for the use and as such, I am satisfied that the proposal is acceptable.

Impact on adjacent properties

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

There are no nearby neighbours that would be affected by the proposed building. It is noted that there is an additional building on the site that is used for residential purposes. However, it is considered that the location of the single storey building between the proposed building and the adjacent dwelling would ensure that no material harm was caused.

Highway Safety

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

The site benefits from a high quality access affording good visibility in either direction. The use of the building is also not considered to result in any material intensification of the use of the access to the detriment of highway safety.

Impact on Ecology/Protected Species

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

The building is located on an area of open land with an existing hardstanding and would not have any direct impact on features of ecological importance.

The County Ecologist has recommended that due to the presence of ponds on the site, a Great Crested Newt assessment is required. Having considered this, it is noted that the site is located away from the ponds and the area of land is existing hardstanding on a well-used part of the site, and therefore the imposition of a cautionary note regarding Great Crested Newts would be sufficient.

Trees/Hedgerows

No trees or hedgerows are directly affected by the development. The site does lie adjacent to existing trees. It would be possible to require the provision of protective fencing to ensure the trees are adequately protected.

Conclusion
The proposed building is considered to be inappropriate development within the Green Belt which is harmful by definition and by reason of harm to openness. There are no very special circumstances that outweigh harm identified.

REFUSAL REASONS

1 In the opinion of the Local Planning Authority, the proposed new building constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Policy Framework and to Policy DS18 of the Warwick District Local Plan 2011-2029.

Planning Committee: 18 June 2019 **Item Number:** 6

Application No: W 19 / 0485

Registration Date: 25/03/19
Town/Parish Council: Sherbourne **Expiry Date:** 20/05/19
Case Officer: Rebecca Compton
01926 456544 rebecca.compton@warwickdc.gov.uk

5 Sherbourne Court, Vicarage Lane, Sherbourne, Warwick, CV35 8AW
Installation of new windows and doors, replacement of existing French doors and installation of 4no. rooflights to the south, east and west elevations. FOR Mr J Smith

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This application is being presented to Committee as it is recommended for approval and an objection from the Parish Council has been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for external alterations to a converted barn which include replacing a garage door opening with a single domestic door, blocking up a window on the east elevation and widening a window on the same elevation. It also includes the installation of replacement patio doors, the installation of 4 rooflights to the front and rear elevations and the formation of a new door opening on the east elevation.

THE SITE AND ITS LOCATION

The application property is a converted barn that is now used as a dwelling and forms part of a complex of converted agricultural buildings. The building runs adjacent to Vicarage Lane, Sherbourne and is located within the Sherbourne Conservation Area. The property does not benefit from permitted developments which were removed as part of the original conversion.

PLANNING HISTORY

W/80/1459 - Conversion of farm buildings to form 4 dwellings - Granted

W/83/0601 - Conversion of existing barns into 3 dwellings - Granted

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Barford, Sherbourne & Wasperton Joint Parish Council: Object on the grounds that the proposed door on the Vicarage Lane elevation would be harmful to the character and appearance of the converted barn.

Public Response: 2 letters of objection have been received from neighbouring properties with concerns that the proposal would be harmful to the character and appearance of the former barn.

WCC Ecology: Recommend that a pre-determinitve bat survey is carried out.

ASSESSMENT

The impact on the rural character and appearance of the barn conversion

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

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 195 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

Whilst the building has already been converted, it is important to consider the proposal within the context of Policy BE4 of the Warwick District Local Plan 2011-2029 which sets out a number of criteria for the conversion of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding or alteration

to the external appearance of the building, and for the appearance and setting of the building following conversion to protect and where possible, enhance the character and appearance of the countryside. The explanation to the policy states that where proposals include extending rural buildings as part of their conversion, these will not be approved unless it can be demonstrated that the extension is essential for the retention of the building.

The Agricultural Buildings and Conversion Supplementary Planning Guidance states that barns are an important and valuable feature of the rural landscape. The introduction of inappropriate design elements can be highly destructive to the character, historic fabric and setting of a former barn or agricultural complex.

With regards to the installation of the 4 roof lights, barn roofs are characterised by their unbroken lines and total lack of any openings. Roof lights need to be handled carefully; modest in size, flush with roof pitch and restricted to the absolute minimum. The existing barn conversion was completed in the 1980's. On the adjacent barn conversion large roof lights have been used, however, the ones proposed as part of this application are modest in size and flush with the roof pitch. As the building is located within the Conservation Area, conservation style roof lights will be secured by a suitably worded condition.

The proposal also includes the removal of the existing garage door, partially blocking up the opening with matching brick and replacement with a solid timber door. Other alterations include the blocking up of one window on the front elevation, widening of an existing window and replacing the existing UPVC patio doors with timber.
These alterations are considered acceptable and will not harm the significance and integrity of the former barn. The proposals are considered sympathetic to the character and appearance of the building.

The proposal also seeks permission for a front door on the Vicarage Lane elevation. The Parish Council have raised concerns that a door in this location would harm the character and appearance of the former barns and their context. Historic plans from the original permission have confirmed that door openings existed along the Vicarage Lane elevation and were subsequently blocked up as part of the conversion works. It is therefore considered that door openings along this elevation would not be harmful to the historic significance of the barn as openings along this elevation formed part of the original appearance of the barn. It should also be noted that the Conservation Officer has raised no objection to the scheme. The door will be conditioned to be solid timber.

The proposal also seeks to change the colour of the windows from dark brown to grey. The surrounding barn conversions have been finished with dark brown windows which is sympathetic to the character and appearance of the former barns. Therefore, it is considered necessary to impose a condition requiring all doors and windows to be painted dark brown to be more in keeping with the other barn conversions in this area and to be more sympathetic to the character of the barn.

The proposals are considered to respect the character of the former agricultural building and the surrounding Conservation Area.

Ecology

Taking a precautionary approach, the County Ecologist has recommended that a preliminary bat survey is required prior to the determination of the application. This request has been considered, however, a site visit from the case officer confirmed that the existing dwelling is well sealed with other dwellings in close proximity.

On this basis, it is considered that the likelihood of bats is relatively low and a bat note advising the applicant of their responsibility in relation to protected species would be more reasonable and appropriate in this case. It is considered reasonable and appropriate to add a bat note to any permission granted.

Conclusion

The proposal comprises of a number of alterations to a former barn that are not considered to harm the character and appearance of the building and the wider Conservation Area. The proposal is therefore considered to comply with Local Plan Policy HE1, BE4, NPPF and the Council's adopted Barn Conversion guidance.

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) 5 Sherbourne Court - Proposed elevations, and specification contained therein, submitted on 20th May 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

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 BE1 of the Warwick District Local Plan 2011-2029.

4 All window and door frames shall be constructed in timber and shall be painted brown. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.

Planning Committee: 18 June 2019 **Item Number:** 7

Application No: W 19 / 0519

Registration Date: 27/03/19
Town/Parish Council: Beausale, Haseley, Honiley & Wroxall **Expiry Date:** 22/05/19
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Red House Farm, Red House Farm Lane, Beausale, Warwick, CV35 7NZ
Erection of single storey side extension to existing detached garage including installation of 4kW solar PV installation on the South and West-facing roof slopes
FOR Mr S Turner

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of an extension to an existing detached double garage to create additional storage space at ground floor with the provision of a solar array to the roof structure of the proposed building.

It is proposed to amend the appearance of the garage to match the detailing of the extension by the use of timber cladding to match the extension.

The existing garage has a footprint of 40 square metres. The proposed extension equates to approximately 65 square metres.

THE SITE AND ITS LOCATION

The application site relates to a two storey detached farm house dwelling which is Grade II Listed. The property dates from c. C18 and has been altered and extended significantly since its original construction. The property benefits from an existing conservatory extension, of relatively modern design, to the rear which is to be demolished and replaced as part of this proposal.

The character of the dwelling is defined by the use of timber windows, red facing brickwork with a sandstone plinth and the roof of the dwelling is steeply pitched with gable ends. There are 3 modest and pitched roof dormer windows set into the eaves to the rear of the dwelling in addition to a large single storey rear/side extension.

The existing garage is of modern construction being built following planning permission granted in 1999. It is a simple, dual gabled, double garage standing to the rear of the property.

PLANNING HISTORY

W/18/2448 – Demolition of existing rear conservatory and front porch canopy and erection of a single storey rear extension and new porch canopy; installation of new rooflights to the existing single storey rear wing; existing doors installed within the south elevation to be reinstated to a window; doors installed within the west facing gable of the single storey component to be widened; existing masonry details are to be retained or improved; replacement of the hedge at the road side with a low wall of stone construction - GRANTED 29.03.2019

W/14/0521/LB - Replacement of Circa 70's/80's inappropriate windows with traditionally styled casement windows - Granted 31.05.2014.

W/04/0895 and W/04/0971/LB - Erection of a conservatory – Both granted 02.07.2004.

W/99/0930 & W/99/0931/LB - Erection of a rear single storey extension and conservatory; insertion of window to front elevation, internal alterations, erection of a detached double garage; extension to residential curtilage – Granted 14.10.1999.

W/87/0995 - Demolition of a porch and store, erection of a porch and dormer windows, internal alterations and alterations to elevations. - Granted 20.10.1987.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council: Supports the application.

WCC Ecology: No objection subject to conditions and notes.

ASSESSMENT

Whether the proposal constitutes appropriate development in the Green Belt and if not whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified

As the application site lies within the Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states that development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions.

The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 145 lists certain exceptions within the Green Belt. Point (c) states that development can acceptable if *"the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"*

In terms of making an assessment of what is considered disproportionate, Policy H14 of the Local Plan states that extensions greater than 30% of the floor area of the original building are likely to be considered as disproportionate.

The proposed development would result in an increase in floorspace of approximately 160% over the floorspace of the original building. It is therefore considered that the proposed extension represents a disproportionate addition to the property, which is harmful by definition and by reason of harm to openness to the Green Belt.

The applicants state in support of the application that the building is substantially screened and not easily visible from the public domain which limits the impact. In addition, the proposal would allow for solar panels to be installed supporting sustainability objectives. In assessing these matters, Officers note that Green Belt is not a landscape designation and therefore, the level of visibility of the building is not a material consideration that would amount to very special circumstances. Openness must be protected for its own sake, whether the site is visible or not. In addition, the provision of sustainable energy sources would also not amount to very special circumstances.

The proposal is therefore considered to be inappropriate development in the Green Belt and is therefore contrary to Policy DS18 and Paragraph 145 and 146 of the NPPF.

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

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of

poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan requires development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

In addition, the Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

In terms of visual amenity, the building is located to the rear of the site and the extension would be screened by existing boundary treatments. The visibility from the public highway is limited as the main structure of the garage extension screens the extension.

The extension is subservient to the main garage building in terms of height and appearance. While the scale of the building does exceed the footprint of the existing building, the lower ridge height ensures the building does not overpower the existing garage building.

In terms of general visual amenity and the character of the area, the proposal is considered to comply with Policy BE1.

Impact on the character and setting of the Listed Building

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

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.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

The proposal has been assessed by the Conservation Officer who notes that the existing garage is very subservient to the principal listed building (the main house). The extension proposed would result in a level of footprint not too dissimilar to that of the farmhouse which would diminish its subservient appearance and introduce a feature that competes with the Listed Building and would have a detrimental impact on its setting.

In addition, the construction of more built form on the site presents a greater sense of urbanisation of a rural site, which traditionally and historically has always been open countryside, causing harm to the setting of the listed building.

For the above reasons, the proposal is considered to represent harm to the setting of the Listed Building. In assessing this proposal, Officers consider that the harm is less than substantial. However, there are considered to be no public benefits that would outweigh the identified harm and the proposal is therefore contrary to Policy HE1 of the Local Plan and national guidance contained within the NPPF.

Impact on adjacent properties

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

There are no near neighbours that would be affected by the proposed development.

Highway Safety

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

There are no elements of the proposed development that would affect highway safety associated with the site.

Impact on Ecology/Protected Species

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

The County Ecologist has assessed the proposal and advised that the Warwickshire Biological Records Centre holds bat records (including of roosting bats) nearby and the site is near to good habitat for foraging and commuting bats. In light of this, the Ecologist considers that the garage may support crevice-dwelling bat species.

The Ecologist has concluded that it would be possible to secure conditions to ensure that all works are carried out carried out under the supervision of a qualified bat ecologist to ensure that protected species are not harmed by the development in order to comply with Policy NE3.

Conclusion

The proposal represents the extension of a building within the Green Belt that equates to an increase of approximately 160% over the floor area of the original building. This is considered to represent a disproportionate addition which is harmful by definition and by reason of harm to openness. There are considered to be no very special circumstances which exist that would outweigh the harm identified.

The proposal is also considered to harm the setting of the Listed Building through the creation of a substantial increase in the built form of the outbuilding that would diminish the subservient nature of the existing building and compete for dominance within the site. The proposal is considered to amount to less than substantial harm but there are no public benefits which outweigh this harm.

For the above reasons, the application is recommended for refusal.

REFUSAL REASONS

1 In the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Policy Framework and to Policy DS18 of the Warwick District Local Plan 2011-2029.

2 The proposed extension would result in an oversized ancillary building which would diminish the subservient appearance of the existing detached garage and introduce a dominant feature that would compete with the main Listed Building and would therefore have a detrimental impact upon its setting.

In addition, the construction of more built form on the site presents a greater sense of urbanisation of a rural site, which traditionally and historically has always been open countryside, causing harm to the setting of the listed building.

For the above reasons, the proposal is considered to represent harm to the setting of the Listed Building. The proposal results in less than substantial harm but there are considered to be public benefits that would outweigh the identified harm and the proposal is therefore contrary to Policy HE1 of the Local Plan and national guidance contained within the NPPF.

Planning Committee: 18 June 2019 **Item Number:** 8

Application No: W 19 / 0741

Registration Date: 07/05/19
Town/Parish Council: Leamington Spa **Expiry Date:** 02/07/19
Case Officer: Nigel Wright
01926 456539 nigel.wright@warwickdc.gov.uk

Lillington Free Church, Cubbington Road, Lillington, Leamington Spa, CV32 7AL

Erection of 5 affordable dwellings with associated infrastructure, landscaping, parking and access on land to the rear of Lillington Free Church, Cubbington Road, Royal Leamington Spa (Resubmission of planning application W/18/2424)
FOR Orbit Group Limited

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes the development of 5 affordable dwellings (a terrace of 3 two-storey dwellings and a pair of semi-detached bungalows that would face each other across the access drive).

Planning permission for an identical scheme (ref. W/18/2424) was refused by the Planning Committee at its meeting on 26 March 2019 for the following reason:

'Policy HS2 of the Warwick District Local Plan (2011-2029) states that development on, or change of use of open spaces and sport and recreation facilities will not be permitted unless an alternative can be provided or there is a robust assessment demonstrating a lack of need for the asset currently or in the future.

An alternative open space has not been proposed and in the opinion of the LPA it is considered that the assessment of need submitted as part of the application lacks robustness and fails to demonstrate a lack of need for the application site.

The proposal is therefore considered to be contrary to the aforementioned policy.'

The current application is submitted with a view to providing further additional evidence to address the reason for the previous refusal, specifically the lack of need for this area of current open space.

It should be noted that planning permission was granted on an adjoining site in September 2017, for the erection of a church/community hall and 25 affordable dwellings (Ref: W/17/0823), which is currently under construction.

The proposal is effectively, therefore, an extension of that approved adjacent development.

THE SITE AND ITS LOCATION

The site is rectangular in shape and currently forms part of the public open space of the Holt Recreation Ground, lying at its western end. It is understood that the site previously accommodated a Scout Hut which was removed in the late 1980's, whereupon it was absorbed into the wider area of the Recreation Ground. The site is currently owned by Warwick District Council.

The site is situated within a predominantly residential area with two storey terraced houses to the south-west of the site (The Holt), 3 storey flats to the west and north-west (Wickham Court) and also, along the north-west boundary, a single-storey dwelling. The south-east boundary is formed by the curtilages of the two-storey houses currently under construction as part of the adjoining development.

Access to the site is from Cubbington Road to the south west, via the adjacent development site. Alternative parking arrangements for one of the approved adjacent dwellings have had to be made to allow for the extension of the access through to the current application site.

A Public Right of Way crosses the site allowing local residents to access the Recreation Ground, and this would be retained as part of the proposals. There are five trees currently on the site, which are to be removed in order to erect the dwellings. An Arboricultural Report accompanies this application.

PLANNING HISTORY

Adjacent site:
W/17/0823 - Erection of a church/community hall and 25 affordable dwellings - Approved 14.09.2017

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)

- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS3 - Local Green Space (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Warwickshire Landscape Guidelines SPG
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

At the time of writing this report, the expiry date for comments to be received has not yet expired. The following have been received so far on the current application, but for completeness the full consultation responses from the previous identical application (W/18/2424) have also been included in this report.

Any further comments will be set out in the update report to Committee.

Responses received for the current application

Leamington Spa Town Council: No objection subject to the Town Council Planning Committee being satisfied that the previous reason for refusal has been fully addressed. So far, no robust assessment has been provided demonstrating the lack of need of the asset now or in the future. The Town Council Planning Committee is very supportive of the provision of affordable housing in Leamington Spa.

WDC Housing Strategy & Development: Supports the scheme. Despite reductions in the numbers on the housing register over recent years there are still around 2,000 households registered and the need remains great for all types of affordable housing.

Warwick District Council's Local Plan requires 40% affordable housing on sites with more than 10 dwellings. Coincidentally however the need for affordable housing across the district is also 40% of all new dwellings. Consequently large sites alone cannot meet the need because of the absence of affordable housing on sites with 10 or fewer dwellings. Sites delivering 100% affordable housing are therefore very important and welcome from the affordable housing perspective in assisting to make up this deficit.

Another valuable factor with this site is the inclusion of bungalows. These are a very popular form of accommodation among housing applicants, but are in very short supply. They are particularly useful in helping to address housing need because they are attractive to older existing tenants seeking to "downsize" from family housing that they are under-occupying. Bungalows therefore hold out the prospect of meeting two needs in one go – relieving under-occupation by moving an older household into the bungalow and freeing up a house for a family in need.

WDC Green Spaces Team: Awaited

WCC Ecology: No additional enhancements in landscaping compared with the application W/18/2424. In view of this our recommendation for refusal/deferral due to biodiversity loss still stands. Please refer to our response dated 28th February 2019 (*Officer note – the previous comments are set out and addressed in the agenda report*).

The Ramblers Association: The Public Right of Way through the site referred to in both the Proposed Site Plan and the Planning Statement is not in fact a Public Right of Way at all, as it does not appear on the Definitive Map of Public Rights of Way. However, its proposed retention would be welcome as it would continue to provide a convenient means for local residents to access the Holt Recreation Ground.

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

Hadrian Close is being overwhelmed by the amount of new houses being built adjacent to it. The existing Lillington Free Church site is adequately developed. This would further deplete the stock of neighbourhood open access park areas and is not necessary.

The area was formerly park land that was maintained by the council parks department, with a children's play area. A few years ago the decision was taken to allow the area to be made into managed grassland, then subsequently into a wildlife meadow. This was supposedly done in an endeavour to preserve and increase bio-diversity. Local authorities have a legal obligation to protect bio-diversity under the Natural Environmental and Rural Communities Act (NERC) 2006. Interestingly meadow land and biodiversity has continued to decline. The area at the back of the free church provides a local area where wild flowers have been able to flourish. Managing it in such a way as proposed by the parks department of the council also will protect this area and make it an excellent location for wildlife to continue to flourish.

To argue that the land is a wasteland, due to a period of miss-management by the council suggests deliberate managed decline to justify development. This development will cause a loss of biodiversity, wild life and trees in the area.

Many people walk their dogs around this piece of land and this would no longer be possible. They will be forced to use the main park area which could lead to more dog waste in the area where children play.

The council's needs to enable new 'affordable' housing to be built should be balanced against the needs and well being of local residents. The new houses will mean the loss of privacy for many gardens. This is highly undesirable.

Residents would lose access to the park and to the shops.

Previous responses for W/18/2424

'Leamington Spa Town Council: No objection

WDC Green Spaces Team (additional comments): The Green Space Team originally supported the disposal because the area was of 'low value' to the local residents and wildlife; and would not be missed. Since the report, the remaining land, the park known as 'The Holt', has been regenerated (including a new play area and outdoor gym equipment, tree works, path improvements, new tree planning and the creation of a wildflower meadow; and, new street furniture – benches, bins and signs). It remains that the area, subject to this planning application, is not required as open space.

WCC Highways: No objection

WCC Landscape: No objections, subject to a Condition requiring detailed landscape proposals to be submitted.

WCC Ecology: Together with the adjacent approved scheme, the current development will cause a cumulative impact on biodiversity at the local level. Both applications for these two small sites have been submitted by the same applicant and both plots should have been considered at the same time so the total biodiversity loss can be appropriately addressed. Recommends that the application is refused or deferred at this stage until assurances are made that the biodiversity loss will be addressed via a biodiversity offsetting scheme to be

submitted prior to determination of the application. Measures in relation to protected and notable species and trees to be retained should be secured via a condition to any subsequent approval.

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

WDC Environmental Health: No objection, subject to conditions.

Public Response: Two objections have been received; one on the grounds that there will be an unacceptable loss of privacy as well as sunlight and daylight. Also, the loss of trees which screen the neighbouring existing dwellings on Hadrian Close. Finally, no antisocial behaviour or fly tipping has been seen or heard on the site, so this is not a valid reason for selling public recreational land.

The other is from a neighbour from the Cubbington Road terraces who is concerned with the lack of parking on the area. The amount of parking planned for the new Church is minimal. There are constant issues in the area due to the presence of the bowling club that has only a few parking spaces allocated. Also events at the Lillington club with again, only a few spaces available cause increased traffic and lots of parking issues for the residents of the terraces that rely on off-street parking.

A third neighbour has pointed out they have a gate in their boundary fence that currently accesses the field and they wish to continue using the gate.
Officer note: It is unclear where the gate in question is, but if it is located on the boundary abutting the application site, it would likely to continue to be used. Officers have advised the neighbour that this is, in any case, a private matter that would need to pursue directly with the owner of the land. It is not relevant to the planning considerations.'

ASSESSMENT

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

- The principle of development and loss of open space
- Design and Layout
- Relationship to neighbouring properties
- Access, servicing and parking
- Ecology and trees
- S106 matters

The principle of development and loss of open space

Policy H1 of the Local Plan relates to the direction of new housing, stating under which circumstances housing development will be permitted. The site is within the Leamington, Warwick and Whitnash Urban Area boundary and therefore complies with bullet point (a) of the policy.

Policy HS2 of the Local Plan sets out that development on, or change of use of open spaces and sport and recreation facilities will not be permitted unless:
a) an alternative can be provided that is at least equivalent in terms of size, quality, accessibility, usefulness and attractiveness, and a management plan is submitted to ensure the future viability of the provision; or
b) there is a robust assessment demonstrating a lack of need for the asset currently or in the future.

The application would result in the loss of open space which forms part of Holt Park. The proposals are supported by a Planning Statement which sets out the conclusions of Warwick District Council's Executive committee on 31 August 2017. The meeting discussed whether to consider the disposal of this site. The Committee Report stated that fly tipping and anti-social behaviour occur here due to the site being away from public surveillance. The Report considered the value of this site to the overall public open space as an underutilised / marginal element of the land available to the local population for play and recreation. The Executive resolved in principle to dispose of the land for development.

Further information has been sought on the Policy HS2 issue and the agent has advised that work is well underway on this and will be submitted in advance of the Committee meeting. Any dditional information in support of the proposal, including an assessment by officers, will be included in the addendum report to Committee.

With regard to other considerations the proposals are considered to be in a sustainable location.

Taking into account the above and the location and nature of the land, it is considered that the proposal meets the requirements of Policy H1 of the Warwick District Local Plan. However, as stated above, further information is awaited in relation to compliance with Policy HS2.

Design and Layout

The proposed buildings are of an appropriate scale with two storey dwellings (plots 1 to 3) adjacent to the two storey dwellings within the development under construction, and bungalows adjacent to the bungalow on Hadrian Close. The layout, plot sizes, design and materials reflect the adjacent development under construction, and therefore represent good design.

It is therefore considered that the development accords with Policy BE1 of the Local Plan which expects development to positively contribute to the character and quality of its environment.

Relationship to neighbouring properties

Policy BE3 of the Local Plan seeks to ensure that development does not adversely impact on the amenities of neighbours. The National Planning Policy Framework at paragraph 127 seeks the same aim. The comments of neighbours have been carefully considered.

Amendments have been sought and submitted to address officers concerns about potential overlooking from the facing two-storey approved development and also to reduce the impact on the existing neighbouring bungalow. As such, some additional landscaping, together with a revised L-shaped dwelling both help to protect the amenities of the future occupiers of Plots 4 and 5. Half hipped roofs to the single-storey Plots 4 (and 5) reduce the height of gable end wall closest to the nearby existing bungalow.

The layout and orientation of dwellings has otherwise been designed to minimise the impact on neighbouring properties on The Holt, Hadrian Close, and the adjacent development under construction. Proposed properties that back on to The Holt are 27m from existing dwellings in accordance with the Residential Design Guidance.

There were no objections from the Council's Environmental Health Officer to the previous application for the same scheme, subject to Conditions to minimise the impacts of the development, specifically in terms of noise, air quality, and land contamination.

Accordingly, it is considered that the development complies with Policy BE3 of the Local Plan.

Access, servicing and parking

Policies TR1 and TR3 of the Local Plan seek to ensure appropriate levels of car parking and seek to ensure that proposals do not impact on highway safety. The Parking Standards SPD is noted in terms of the amplification to the guidance. In accordance with the National Planning Policy Framework, highway safety should only be used as a reason for refusal where the impact would be severe.

The provision of some of the car parking spaces directly in front of another neighbour's living room window is not recommended, due to the potential for noise and disturbance being caused by manoeuvring of vehicles and glare from car headlights. The amended drawings have attempted to minimise these impacts by the careful repositioning of spaces away from front windows. Whilst this arrangement is still not ideal, it is not considered, in itself, to warrant a refusal of planning permission solely on those grounds. It is also noted that car parking provision was relaxed in terms of the layout for the approval of the adjacent site. Therefore, although car parking provision is again marginally substandard for the current development, this must also be considered to be acceptable in this case.

It is also noted that there were no objections from the County Highway Authority to the previous application for the same scheme.

Ecology and trees

Policy NE3 of the Local Plan requires the protection of biodiversity as part of development proposals. The area affected by the application is currently a grassed area, somewhat removed from the main space of the recreation ground. A number of trees are to be removed, but the submitted Arboricultural report

considers them to be poor quality and this is agreed by the Council's Tree Officer. Whilst there are concerns about the cumulative impact on biodiversity caused by these two adjoining sites, regard has to be made to the fact that this much smaller site would have less impact than the much larger approved adjoining site. Even so, it is recommended that similar conditions are attached to those that were agreed with the County Ecologist in relation to the adjacent site, requiring ecological enhancement/mitigation, where practical.

S106 matters

The application proposal is for residential development and requires a contribution towards improving open space provision, in accordance with Policy HS4.

Officers consider the development to be a linked extension of the adjoining site, and not a stand-alone development. This is on the basis that:

- access is gained through the site and not separately;
- it is the same applicant and the development will be carried out concurrently with the adjoining site; and
- two of the car parking spaces from the adjoining site are to be relocated within the application site.

Therefore, although the proposal is under the threshold of 10 dwellings for payment of such a contribution, it is, in this case, considered reasonable and appropriate because it is connected to, and an extension of, an existing development. Furthermore, it is also required under the terms of the disposal of the site (ref. para 3.9 of the executive report).

This is addressed by Condition 10 of this recommendation. A similar Condition was attached to the planning permission for the adjoining approved site.

With regard to Condition 10, an alternative financial contribution would be acceptable. In such a case, a contribution of £8,420 was previously considered necessary in accordance with the contribution rates set out in the 'Open Space Supplementary Planning Document' and its associated guidance, 'Developer Contributions for commuted payments for new provision/enhancement of open space- amended'. For this development, the contribution figure reflected the enhancement costs of open space as set out in the guidance; namely, 10 bedrooms in multiple bed dwellings at £842 per room. The contribution would be put towards further improvements of the public open space at The Holt.

It should be noted that the above contribution is now out of date and is likely to be increased in regard to this current application. Any new figures will be set out in the update report to Committee.

SUMMARY/CONCLUSION

The proposals would be for an additional five dwellings and would result in benefits in terms of construction jobs and support to local services. The proposals would also replace an underutilised part of Holt Park and therefore

would enhance the quality of the area. The proposals would also result in the provision of affordable housing in a sustainable location.

Subject to the submission of satisfactory evidence to demonstrate compliance with Policy HS2, the proposals are considered to be in accordance with policies of the Development Plan and the National Planning Policy Framework.

The proposals have been carefully considered against all the material considerations and against comments received from neighbours and the comments of consultees and found to be acceptable for the reasons set out above.

It is recommended, therefore, that planning permission be granted.

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 submitted details as shown on the site location plan 3545-11 Rev C and drawings 3545-25 Rev B and 3545-26 Rev B and as subsequently amended by drawings 3545-15 Rev J, 3545-20 Rev C and 3545-21 Rev D received on 6th March, 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

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

4 Notwithstanding the details submitted with the application, prior to occupation of the development hereby permitted, a detailed Landscape and Ecological Management Plan shall have been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a satisfactory standard of appearance of the development and adequate compensation for any loss of biodiversity in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

5 The landscaping and ecological enhancement scheme approved under Condition 4 above 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 BE1 and NE4 of the Warwick District Local Plan 2011-2029.

6 The development hereby permitted shall not be occupied unless and until the vehicle 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 BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

7 The development hereby permitted shall not be occupied unless and until the vehicle 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 BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

8 No development shall be carried out above slab level unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. Each phase of 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 fire safety.

9 Prior to the occupation of the development hereby permitted, a scheme detailing the affordable housing provisions shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
(a) the tenure split;
(b) the arrangements for the management of the affordable housing;
(c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, or other alternative arrangements; and
(d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced. **REASON :** To meet the requirements of Policy H2 of the Warwick District Local Plan 2011 -

2029.

10 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 HS4 of the Warwick District Local Plan 2011 - 2029:
(i) prior to occupation of the development hereby permitted, a scheme for such provision or improvement shall have 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 Policies NE1, HS4 and DM1 of the Warwick District Local Plan 2011 – 2029.

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

1) A preliminary risk assessment which has identified:

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

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

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

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

5) A verification report containing the data identified in (4).

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

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

12 The development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement 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. **REASON**: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

13 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON**: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.