Planning Committee

Tuesday 31 January 2017

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 31 January 2017 at 6.00pm.

Councillor Cooke (Chairman)
Councillor Ashford (Vice Chairman)

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

Emergency Procedure

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

Agenda
Part A – General

1. **Apologies and Substitutes**

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

2. **Declarations of Interest**

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

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

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

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

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3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 10 January 2017.

(Item 4/Page 1)

Part B – Planning Applications

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

5. **W/02/1472 –Portobello Works, Emscote Road, Warwick** **(Pages 1 to 3)**

6. **W/14/1340 – Land at Common Lane, Kenilworth** **(Pages 1 to 4)**

7. **W/16/1542 – Land at Common Lane, Kenilworth** **(Pages 1 to 13)**

8. **W/16/2028 – Woodside Farm, Harbury Lane, Bishops Tachbrook** **(Pages 1 to 13)**

9. **W/16/2086 – Land at Woodside Farm, Harbury Lane, Bishops Tachbrook** **(Pages 1 to 13)**

10. **W/16/2114 – 11 Park Hill, Kenilworth** **(Pages 1 to 4)**

11. **W/16/2169 – 66 Radford Road, Royal Leamington Spa** **(Pages 1 to 8)**

Part C – Other matters

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

Please note:

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

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

(c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being p4t before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.

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

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

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

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

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

Please note that the majority of 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 Tuesday 10 January 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Committee Services Officer – Miss Cox; Legal Advisor – Mr Howarth; Head of Development Services – Mrs Darke; Team Leader, Development Control – Mr Sahota; and Planning Officer – Helena Obremski.

111. **Apologies and Substitutes**

(a) There were no apologies; and

(b) Councillor Edgington substituted for Councillor Morris.

112. **Declarations of Interest**

Minute Number 115 – W/16/1676 – 29 – 33 High Street, Royal Leamington Spa

Councillor Mrs Stevens declared an interest because she was a member of Royal Leamington Spa Town Council's Planning Committee and had been present during a recent debate on Houses in Multiple Occupation, but she had not taken part in the discussion.

Minute Number 118 – W/16/1659 – 32 Yardley Close, Woodloes Park, Warwick

Councillor Edgington declared an interest because he was a member of Warwick Town Council's Planning Committee. He left the room while this item was discussed.

Minute Number 121 – W/16/1976 – 250 Myton Road, Warwick

Councillor Edgington declared an interest because he was a member of Warwick Town Council's Planning Committee. He left the room while this item was discussed.

Minute Number 122 – W/16/1314 – 16 Old Square, Warwick

Councillor Edgington declared an interest because he was a member of Warwick Town Council's Planning Committee. He left the room while this item was discussed.

113. **Site Visits**

To assist with decision making, Councillors Ashford, Cooke, Boad, Mrs Bunker, Day, Edgington, Heath, Mrs Hill, Mrs Stevens and Weed had visited the following application sites on Saturday 7 January 2017:

W/16/1659 – 32 Yardley Close, Woodloes Park, Warwick
W/16/1676 – 29 – 33 High Street, Royal Leamington Spa
W/16/1906 – 32B Kenilworth Road, Royal Leamington Spa

114. **Minutes**

The minutes of the meeting held on 6 December 2016 were taken as read and signed by the Chairman as a correct record.

115. **W/16/1676 – 29–33 High Street, Royal Leamington Spa**

The Committee considered an application from A T Architects Limited for internal and external alterations to facilitate the conversion of the roof-space to provide seven additional bedrooms to an existing seven bedroomed House in Multiple Occupation (HMO), to be used as student accommodation.

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

The officer was of the opinion that the proposed additional bedrooms to the existing HMO adhered to the criteria set out within the Draft Local Plan, and more specifically Policy H6. There would be no additional harm to nearby uses or residents as a result of the proposal and the parking concerns had been addressed through the unilateral undertaking. Adequate waste storage had been provided and, therefore, the officer recommended that the application should be granted.

An addendum circulated at the meeting outlined further objections received from a local resident and from Councillor Quinney, with a relevant response from officers.

The following people addressed the Committee:

- Councillor Morrison, representing Royal Leamington Spa Town Council, in objection to the proposal;
- Mr Davies and Ms Davies, in objection to the proposal;
- Mr Pugh, in support of the proposal; and
- Councillor Quinney, Ward Councillor, in objection to the proposal.

At the request of the Chairman, the Head of Development Services clarified the exceptions to the Emerging Local Plan Policy H6 for Houses in Multiple Occupation, where the application site was located on a main thoroughfare in a mixed use area and where the proposal would not lead to an increase in activity along nearby residential streets.

The Legal Advisor referred the Committee to paragraph 4.64 of the Emerging Local Plan, which defined the terms 'thoroughfare' and 'mixed use area', and confirmed that the application site was on a thoroughfare.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Edgington that the application should be granted, subject to an amendment to condition 8

to require the submission of further details for approval in relation to waste disposal.

The Committee therefore

Resolved that W/16/1676 be **granted** in accordance with the recommendations in the report, subject to the following conditions including the amendment to condition 8 detailed above:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 1197-0501-04, and specification contained therein, submitted on 16th December 2016. **Reason** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

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

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

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

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

(4) the development hereby permitted shall not be commenced unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable

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

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

(6) the development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details

and any required mitigation works shall be complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

(7) the rooflights hereby approved shall be "conservation style" so that there are installed in line with the roof slope and do not protrude past the roof tiles. **Reason** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(8) the development hereby permitted shall not be occupied unless and until further details in relation to waste disposal have been submitted and approved and until the refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development in accordance with the approved details and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **Reason:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011; and

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

Councillor Day arrived at 6.10pm during the consideration of this application, and he was therefore unable to participate in the discussion or take part in the vote on this item.

116. W/16/1831 – Newlands, Mill Lane, Little Shrewley, Shrewley

The Committee considered an application from Mr Ingleson and Mrs van den Berg for the conversion of a coach house to form a dwelling.

The application was presented to Committee at the request of Councillor Gallagher who was in support of the application, and the recommendation from officers was for refusal.

Officers felt that the application was contrary to Paragraph 55 of the National Planning Policy Framework (NPPF) 2012 and the site was not considered to be within a sustainable location. In addition, they did not feel that any special circumstances had been identified by the applicant. The full reasons for refusal were detailed in the report.

An addendum circulated at the meeting provided further information from the applicant in the form of an aerial photograph of the application site.

The Team Leader, Development Control, reminded the Committee that the proposal was for an independent dwelling, not an annexe to the existing house, and must, therefore, be assessed as such.

The following people addressed the Committee in support of the application:

- Mrs van den Berg; and
- Councillor Gallagher, Ward Councillor.

In response to a question from Councillor Heath and at the request of the Chairman, Mrs van den Berg clarified the room composition of the main house and the reasons for the requirement for two bedrooms in the coach house.

A motion to grant the application was proposed by Councillor Mrs Bunker and seconded by Councillor Mrs Stevens, contrary to the officers' recommendation, subject to conditions. The proposer and seconder did not feel that the development would have a detrimental impact on the Green Belt or that the site was as remote as described in the report. However, on being put to the vote, the motion was lost.

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

The Committee therefore

Resolved that W/16/1831 be **refused** in accordance with the recommendation in the report:

(1) paragraph 55 of the National Planning Policy Framework 2012 seeks to promote sustainable development in rural areas and avoid new isolated homes in the countryside. None of the

special circumstances identified within Paragraph 55 are considered to have been met and the building is located in an isolated location outside of a village, with no easy access to services or public transport. Whilst the site is not isolated in terms of its location to other residential properties, the proposed change of use to provide one dwelling would be located outside of the village of Little Shrewley with no pedestrian access to local services and would not allow residents sustainable access to nearby areas for services or for work. There are no extenuating circumstances which have been presented which demonstrate the need for the applicant's mother to live at the coach house independently. The site is not considered to be located within a sustainable location and the reduced number of trips that the family would undertake is not considered sufficient justification to approve a new dwelling in an isolated location. The site is therefore highly likely to be car dependant. The provision of a dwelling in this location is therefore considered to contravene the aims and objectives of paragraph 55 of the NPPF 2012.

117. **W/16/0835 – 7E Clarendon Avenue, Royal Leamington Spa**

The Committee considered a retrospective application from Tara & Co for a change of use from a dwellinghouse (Use Class C3) to a three bedroom House in Multiple Occupation (HMO) (Use Class C4).

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

The officer was of the opinion that the proposed addition of an HMO within this area adhered to the criteria set out within the Draft Local Plan 2011 – 2029, and more specifically Policy H6. There would be no additional harm to nearby uses or residents as a result of the proposal and there would be no increased need for off street parking. Adequate waste storage had been provided and therefore the officer recommended that the application should be granted.

Mr Walsh addressed the Committee in objection to the proposal.

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

The Committee therefore

Resolved that W/16/0835 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 amended "floor plan", and specification contained therein, submitted on 20th December 2016. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

118. **W/16/1659 – 32 Yardley Close, Woodloes Park, Warwick**

The Committee considered an application from Mr and Mrs Davies for the erection of a two storey side/rear extension and single storey rear extension.

The application was presented to Committee because of the number of objections that had been received, including one from Warwick Town Council.

The officer was of the opinion that the revised proposal would have no material adverse effect on the living conditions of neighbouring residential properties or the general street scene. The extension would sit comfortably on the property and within the plot and the bulk of the proposed extension would be screened by existing boundary treatment. It was concluded that the proposal would comply with the saved policies of the Adopted Warwick Local Plan and the aims and objectives of the National Planning Policy Framework.

The following people addressed the Committee:

- Councillor Mrs Grainger, representing Warwick Town Council, in objection to the proposal; and
- Mr Pugh, in support of the proposal.

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

The Committee therefore

Resolved that W/16/1659 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

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

(2) the development hereby permitted shall be

carried out strictly in accordance with the details shown on the site location plan and approved drawing 1195-A3-009, 1195-010-B and specification contained therein, submitted on 22 December 2016. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

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

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

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

119. **W/16/1823 – 25 Beauchamp Road, Royal Leamington Spa**

The Committee considered an application from Mr Rai for the demolition of an existing warehouse and flat and erection of a residential development comprising of a single storey two bedroomed dwelling; 5 three storey, four bedroomed townhouses; 2 two bedroomed apartments; and 1 three bedroomed apartment.

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

The officer was of the opinion that the proposed development would provide additional housing in a suitable location. The proposal provided a sympathetic design which was respectful to the Conservation Area and nearby listed buildings. The proposed dwellings were not considered to have a harmful impact on neighbouring residential amenity and adequate on street parking could be accommodated nearby to the site. The proposal provided adequate waste and cycle storage and, therefore, the officer recommended that the application should be approved.

An addendum circulated at the meeting advised that details were to be agreed with Environmental Health via a pre-commencement condition relating to noise mitigation measures and a noise assessment provided by the acoustician.

In addition, the addendum clarified an error in the report relating to the planning history and advised that a further objection had been received from a neighbouring property.

The Head of Development Services advised the Committee that since the addendum had been published, a further objection had been received from Councillor Thompson raising concerns in line with those of residents, particularly around parking pressures, and asking that the application be rejected. However, she reminded the Committee that WCC Highways had raised no objection to the proposal.

The following people addressed the Committee in objection to the proposal:

- Councillor Morrison, representing Royal Leamington Spa Town Council; and
- Mrs Panayi.

Members felt that the design of the proposal was of poor quality within the Conservation Area, was too close to the footpath and constituted overdevelopment.

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

The Committee therefore

Resolved that W/16/1823 be **refused,** contrary to the recommendations in the report, because it constitutes overdevelopment in terms of the height/bulk/mass of the buildings and the proximity to the footpath, and the poor quality design is not in keeping with the character and appearance of the conservation area.

The meeting was adjourned at 8.30pm and resumed at 8.45pm.

120. **W/16/1906 – 32B Kenilworth Road, Royal Leamington Spa**

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

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

The officer was of the opinion that the proposal was of an acceptable design which would preserve the character and appearance of the Conservation Area and there would be no material harm to the living conditions of neighbouring occupiers.

Ms Reuser addressed the Committee in objection to the application.

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

The Committee therefore

Resolved that W/16/1906 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2844-01 received on 19th

October 2016 and 2844-02D received on 1st December 2016, and specification contained therein. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors and windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(4) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building, shall be constructed with lead cladding to the 2 dormers. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and

(5) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the window to be formed in the north elevation, in the proposed first floor bedroom facing the side elevation of No 34 Kenilworth Road hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed and shall be maintained in that condition thereafter without further written consent of the Local Planning Authority. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

121. W/16/1976 – 250 Myton Road, Warwick

The Committee considered an application from Mr Vaux for the erection of a two storey side extension, single storey rear extension, tile canopy to the porch and alterations to the existing rear elevation (amendment to planning permission ref W/16/0218).

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

The officer was of the opinion that the proposal would not affect the amenity of the neighbouring properties in terms of light and overlooking, would provide a subservient form of development to the original building and was smaller in scale than the previously approved scheme.

The Chairman advised the Committee that Councillor Murphy, who had registered to speak against the proposal, had withdrawn his objection and would not be addressing the Committee.

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

The Committee therefore

Resolved that W/16/1976 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2016-1546-3F, 2016-1546-4D, 2016-1546-5F, 2016-1546-6F, 2016-1546-7D, 2016-1546-8A and specification contained therein, submitted on 24/10/2016. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) no development (including demolition) shall commence unless and until a further survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys - Good Practice Guidelines, has been carried out by a qualified surveyor, and has been submitted to and approved in writing by the local planning

authority and a detailed mitigation plan including a schedule of work and timings has been submitted to and approved in writing by the local planning authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

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

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

2011; and

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

122. **W/16/1314 – 16 Old Square, Warwick**

The Committee considered an application from The City Pub Company PLC for a change of use of former government offices to a public house with letting rooms (Class A4 and Class C1); internal and external alterations to the building including the demolition of the ancillary store and outbuildings; a single storey rear extension; and the erection of a pergola.

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

The officer was of the opinion that the proposals were in accordance with the requirements of Policies DP1, DP2, DP3, DP6, DP8, DP9, DAP4, DAP5, DAP7, DAP8, TCP1, TCP6 and TCP9 of the Warwick District Local Plan 1996-2011; Policies BE1, BE3, TR1, TR4, HE1, HE2, TC1, TC12, CT1 and CT2 of the emerging Warwick District Local Plan 2011 – 2029 and the provisions of the National Planning Policy Framework. The proposed uses were considered to be in accordance with the requirements of adopted national and local planning policy and it was contended that the proposed conversion works would reasonably preserve and enhance the appearance of this listed building and the Conservation Area in which it was located. In addition, the proposals should not adversely impact upon the amenities of neighbouring premises or give rise to any undue highway safety concerns.

The Chairman read out a statement from Cobalt Developments Warwick Limited, an agent acting on behalf of an objector, which formed part of the addendum.

The Head of Development Services advised the Committee that following the report being published, comments from WCC Ecology had been received and there was a requirement to add a bat and bird nesting note to the applicant.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Heath and seconded by Councillor Boad that the application should be granted, subject to a further condition restricting delivery times to between 8am and 11pm Monday to Saturday and specifying that no deliveries be made on Sundays and Bank Holidays.

The Committee therefore

Resolved that W/16/1314 be **granted** in accordance with the recommendations in the report, subject to

the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the Location Plan and drawing numbers 2977-P-01; 2977-P-02; 2977-P-05 and 2977-20, received by the Local Planning Authority on 18th July 2016; drawing number 2977-P-11 Rev C, received on 10th October 2016; and drawing numbers 2977-10 and 2977-21, received on 27th October 2016, except as required by other conditions below. This approval shall not relate to any of the details shown on drawing numbers CPF8208-01 and CPF8202-02. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DP3, DP6, DP8, DP9, DAP4, DAP5, DAP7, DAP8,TCP1 and TCP6 of the Warwick District Local Plan 1996-2011;

(3) full details of the design and position of any new doors and windows to be installed within the building (including cross-sections at a scale of 1:5) shall be submitted to, and approved in writing by, the Local Planning Authority before they are first installed. The details shall show them constructed of timber with a painted finish. The approved windows and doors shall be installed in the approved positions and shall thereafter be satisfactorily retained at all times. **Reason:** To preserve the character of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework;

(4) notwithstanding the details shown on the approved plans this approval shall not extend to the bi-folding doors proposed for the northern facing elevation of the 'Customer Seating' extension. Details of an alternative means of treating this elevation shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. This elevation shall be

constructed in accordance with the approved details and shall thereafter be satisfactorily retained as such at all times. **Reason:** To preserve the character of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework;

(5) details of the design of the proposed new gates shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved gates shall open inwards only, shall be located in the position shown on the approved plan and shall thereafter be satisfactorily retained at all times. **Reason:** In the interests of highway safety and to preserve the character and setting of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DP6, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework;

(6) the development hereby permitted shall incorporate measures for extracting cooking odours from the premises. Details of the measures proposed shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved measures shall be completed in accordance with the approved details before the uses hereby approved are commenced and shall thereafter be satisfactorily retained at all times. **Reason:** To ensure the satisfactory dispersal of odour and fumes, and to ensure that the works safeguard the character and appearance of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DP3, DP9, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011;

(7) the development hereby permitted shall not commence until details of the proposed measures for storing refuse from the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved measures have been implemented. Those measures shall thereafter be retained at all times that the

development is in operation. **Reason:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policies DP1, DP3 DP9, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011;

(8) a programme of archaeological recording shall be secured and initiated in accordance with a written scheme of investigation and this shall be submitted to the Local Planning Authority for its written approval before development commences. The approved scheme shall thereafter be implemented in accordance with the approved details. **Reason:** In order to ensure that anything of archaeological importance which helps to increase our understanding of the Districts historical development is recorded, preserved and protected in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;

(9) the development hereby permitted shall not commence until construction and delivery management plans have been submitted to and approved in writing by the Local Planning Authority. The approved construction management plan shall be implemented in full during the construction of the development, and the delivery management plan shall be implemented in full at all times that the development is in operation. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(10) the bricks to be used in the construction of the external walls of the approved 'Customer Seating' extension shall match in type, colour, texture, and shall be laid in a manner to match, those used in the construction of the external walls of the host building. **Reason:** To preserve the character of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DP3, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework;

(11) all new rainwater goods shall be constructed of cast iron and painted black. **Reason:** To preserve the character of the host listed

building and the surrounding Conservation Area in accordance with Policies DP1, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework;

(12) notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, or any legislation subsequently superseding that Order, the premises shall not be used for any purpose within Classes A1 or A2 as defined by the Town and Country Planning (Used Classes) Order 1987 (as amended). **Reason:** To ensure that the development complies with the requirements of Policy TCP6 of the Warwick District Local Plan 1996-2011; and

(13) delivery times will be restricted to between 8am and 11pm Monday to Saturday and no deliveries will take place on Sundays and Bank Holidays.

123. **W/16/1762 – Lawrence House, 1A Morrell Street, Royal Leamington Spa**

The Committee considered an application from Mr Wong for a change of use from offices (Use Class B1) to seven residential apartments (Use Class C3), together with internal and external alterations.

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

The officer was of the opinion that the proposed development would provide additional housing in a suitable location and provided a sympathetic design which was respectful to the Conservation Area. The proposed dwellings were not considered to have a harmful impact on neighbouring residential amenity which would warrant reason for refusal and there would be no increase in the requirement for parking as a result of the proposal. The development provided adequate waste and cycle storage and therefore the officer recommended that the application should be approved.

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

The Committee therefore

Resolved that W/16/1762 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

(1) the development hereby permitted shall begin not later than three years from the date of this

permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 700301-PL-009-B, 700301-PL-012A, 700301-PL-013A, 700301-PL-011A, 700301-PL-010A, 700301-PL-014A, 700301-PL-015A and 700301-PL-008A, and specification contained therein, submitted on 20th December 2016. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

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

carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

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

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

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

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

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

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

(8) prior to the occupation of the development hereby permitted, all of the windows in the first and second floors to the rear elevation, apart from that which serves a bedroom to the first floor shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason**: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and

(9) the development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **Reason:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

124. **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 9.23pm)

Planning Committee: 31 January 2017 **Item Number:** **5**

Application No: W/02/1472

Town/Parish Council: Warwick
Case Officer: Gary Fisher
01926 456502 gary.fisher@warwickdc.gov.uk

Portobello Works, Emscote Road, Warwick, CV34 5QU
Residential and Office Development; New road bridge across the River Avon together with appropriate supporting infrastructure

For Gallagher and Pettifer Estates

INTRODUCTION

This report relates to the above planning permission which was granted by Planning Committee in August 2004. That permission was subject to a Section 106 Agreement which imposed a range of obligations on the developer. This included a requirement for affordable housing. The applicant has requested that the provisions of the Section 106 agreement in relation to affordable housing are varied.

This report is being brought back to Planning Committee following the consideration of this matter at your meeting of 8 November 2016 when Planning Committee deferred the making of a decision until further information and clarification was provided particularly with regard to the consideration of the quantum of the contribution to be paid in lieu of the provision of 2 affordable properties on site.

RECOMMENDATION

Planning Committee are recommended to resolve to vary the Section 106 agreement to allow changes to the affordable housing provision as requested by the applicant.

DETAILS OF THE VARIATION

The applicant has requested that the affordable housing provisions of the Section 106 Agreement be revised to enable the provision of the last 2 affordable homes to be provided by way of a financial contribution of £150,000 towards the provision of affordable housing within the District as opposed to their provision within the site as required by the agreement.

RELEVANT POLICIES

- National Planning Policy Framework
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- Affordable Housing (Supplementary Planning Document - January 2008)
- H2 – Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft - published April 2014)

ASSESSMENT

The main issue relevant to the consideration of this matter is whether the amended proposals would continue to enable the provision of an adequate amount and type of affordable housing, having regard to the Council's policies and national planning guidance.

Since the grant of planning permission, over the last 10 years the development of the site has proceeded in a protracted manner which has included long periods when works have ceased and the development has remained part complete along with changes in ownership. Nevertheless, notwithstanding those difficulties, affordable housing has been provided as part of the wider development at the level agreed.

By mid-2013, there remained a requirement for two further three-bedroomed affordable homes. Whilst an affordable housing provider had expressed interest in those properties, they required revisions to the section 106 agreement in order to proceed.

However, at that point the wider development stalled such that negotiations over this element ceased. Subsequently, there was no further activity on the site for some two years until development recommenced in 2015.

In mid 2016, representatives of the developers made contact to discuss the remaining affordable housing. At that point, it became apparent that they had designed the two affordable units as four-bedroom rather than three.

These were very large plots and included several non-standard features and could not easily be converted into three-bedroomed units. This raised a number of concerns from an affordable housing perspective:

- Since 2013, affordable housing providers have become less willing to consider taking very small numbers of properties;
- The presence of non-standard features also acts as a deterrent for affordable housing providers as these then have to be maintained and replaced in due course;
- The size of the plots generated concerns over high running costs for tenants;
- The reduction in the overall benefit cap means that four-bedroom rents are unlikely to be covered fully by Housing Benefit for people in need of financial support.

In addition, there also remained the issue that the section 106 agreement would require variation even if an affordable housing provider were to be interested.

Given these challenges and the length of time over which this matter had been outstanding, the Housing Strategy & Development Officer asked the developers

to provide an offer of a commuted sum rather than insisting on the on site provision. Following negotiations, a figure of £150,000 was agreed.

The benefits of the use of such a commuted sum are that it can be used for any type of affordable housing, anywhere in the district and thus offers greater flexibility. It may also generally be used, either in a "pump-priming" or a gap funding arrangement so there is a gearing effect.

For example the Homes & Communities Agency typically provides grant funding of around £20,000 per home with an affordable housing provider raising the remaining funding from borrowing, rents and surpluses. If the Council were to take this approach with the proposed funding, it would assist in the funding of the equivalent of 7.5 homes rather than the two on site.

For this reason, the Housing Strategy and Development Manager considers that in the particular circumstances of this case, having carefully considered all options, the proposed contribution of £150,000 comprises the most effective solution which will ensure that appropriate provision is made, albeit not within the application site itself in compliance with the Council's policies.

SUMMARY / CONCLUSION

The proposed changes to the affordable housing provisions of the Section 106 Agreement are considered to be in accordance with the Council's policies and it is therefore it is recommended that the Section 106 Agreement is amended as requested.

Planning Committee: 31 January 2017 **Item Number:** **6**

Application No: W 14 / 1340

Town/Parish Council: Kenilworth
Case Officer: Sandip Sahota
01926 456554 sandip.sahota@warwickdc.gov.uk

Land at Common Lane, Kenilworth CV8
Variation of Section 106 Agreement for planning permission ref: W/14/1340 - Erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane (outline application including details of access)
FOR Bloor Homes Ltd and Bluemark Projects Ltd

INTRODUCTION

This report relates to the above outline planning permission which was granted by Planning Committee in December 2014. That permission was subject to a Section 106 Agreement which imposed a range of obligations on the developer. The applicant has requested that the provisions of the Section 106 agreement in are varied.

RECOMMENDATION

Planning Committee is recommended to resolve to vary the Section 106 agreement to allow changes to the level of contributions as requested by the applicant.

DETAILS OF THE VARIATION

The applicant has requested that the level of planning contributions set out in the Section 106 Agreement are reduced from £1,782,735 to £1,159,227 in order to ensure the scheme remains viable, in light of increases in infrastructure costs that the applicant now anticipates.

It should be noted that the applicant is not seeking to reduce the level of affordable housing from the policy compliant 40% provision. However, it is proposed to make changes to the mix and tenure, as shown below:

Proposed Mix and Tenure:

Affordable House Type	No. of Units	% of Affordable Mix
Low Cost Market	14	38%
Social Rent	19	51%
Shared Ownership	4	11%
	37	100%

The Council's Housing Strategy and Development Officer has confirmed that he considers the proposed affordable housing mix and tenure to be acceptable.

The low cost market product is 2 and 3 bed units at a 30% discount and 4 bed units at a 40% discount. Bloor Homes' commitment will be to initially market to people who meet:

1. 18 years +
2. Household income less than £60,000
3. Sole residence
4. Unable to buy on open market
5. Local connection to parish or surrounding area

Approved Mix and Tenure:

Affordable House Type	No. of Units	% of Affordable Mix
Social Rent	18	49%
Shared Ownership	12	32%
Intermediate	7	19%
	37	100%

The applicant is also seeking to vary the housing mix conditioned as part of outline planning permission ref: W/141340 in order to keep the reduction in the level of planning contributions to a minimum. This application is the subject of a separate report.

PLANNING HISTORY

W/16/1724 - Application for Variation of Condition 7 to allow a 'fabric first' approach under planning application W/14/1340 - Granted 22/12/2016.

W/14/1340 - Application for outline planning permission with all matters reserved except for access, for erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane - Granted: 23/12/2014
W/14/0618 - Application for outline planning permission with all matters reserved except for access, for erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane - Refused: 22/08/2014.
A subsequent appeal (ref: APP/T3725/A/14/2224356) was received in October 2014 in relation to the requirements of the s.106 Agreement and viability. This appeal is currently held in abeyance pending the outcome of the current application and negotiations with the Local Authority on the s.106 agreement, which is the subject of a separate report to Planning Committee.

ASSESSMENT

The application is accompanied by a Viability Report. Due to the nature of the commercially sensitive material contained in the report it has been treated as confidential and for internal circulation only. However, in order to assess its validity, it has been referred to the Council's independent consultant for

assessment. The Council has received the independent assessment report which has been treated as confidential for the same reasons.

This assessment focuses on the viability issues relating to the outline planning permission and how the Section 106 Agreement is to be varied.

Bloor Homes became involved in the scheme in early 2012. The promoter of the site had previously employed a consultant to assess the likely design and cost of the proposed bridge. Bloor Homes subsequently employed their own consultant to review the costs. Both consultants assessed the proposed bridge from a design and cost perspective and both concluded that based on the traffic flows on Common Lane and the likely impact of the additional units that the design was acceptable and both concluded a similar cost and Bloor Homes proceeded to enter into a conditional contract to acquire the land. The purchase price was based on an appraisal which factored in this cost and reflected a developer profit margin on gross development value which was at the lower end of what is generally considered a reasonable return.

Since that time the design of the bridge has gone through a substantial amount of refinement and Bloor Homes have arrived at a design which has recently been agreed with the County Council Highway Authority. The final design has seen the bridge / access way widened by approximately 4 metres which has both necessitated the requirement for the purchase of third party land and also a substantial uplift in build costs as more of the proposed road needs to be structurally retained. In total, the additional road and third party land access costs have significantly increased the overall cost of the road.

Part of the increase in cost for the road can be attributed to the general increase in build costs between 2012 and now. The BCIS index reflects an increase in build costs of 20%.

In addition to the road, build and infrastructure cost increases, the package required through the s.106 agreement is considerably higher than the amount which was anticipated at inception.

While costs have increased, so have sales values. However, due to the housing mix required by Condition 22 of the outline planning permission which seeks to development of more smaller units, the scheme has become unviable. If the housing mix, as approved, is taken together with the increases in costs outlined above, then the overall margin of the scheme becomes negative.

A reduction in the s.106 contributions, taken together with an amended housing mix (assessed separately) would allow the delivery of a viable scheme on the site. The applicant has stated that the profit margin produced by the development would still be well below a level which would normally be deemed to be viable but given the considerable time, resources and money which they have already expended on the project, the developer is prepared to lower their margin requirement in this particular case.

Jones Lang LaSalle (JLL), on behalf of Warwick District Council, have undertaken a critical review of the viability information submitted with the application and the further information they have subsequently requested. They have focussed

on the financial assessment of development viability to examine the viability of the scheme, highlighting areas where they believe that further interrogation or information is required or where assumptions or the approach should be revised. They have also undertaken a sensitivity test of the sales values that the applicant has applied, to assess the impact on the viability of the scheme if higher sales values can be achieved.

After incorporating JLL's revised assumptions in the development viability appraisal analysis, a land value range has been deduced, based upon the level of Section 106 contributions that are assumed to be provided and whether the policy compliant housing mix is assumed or the applicant's proposed revised mix. In all scenarios, the Residual Land Value does not exceed the revised Site Value Benchmark that JLL have proposed. This remains the case after sensitivity testing the results to factor in possible higher sales values.

Summary/Conclusion

The viability report submitted and JLL's critical assessment of it suggests that the applicant's proposal to reduce the level of contributions is required to improve the viability of the scheme. If the level of contributions required is not reduced, it is highly likely that the site will not be able to move forward to provide housing.

Planning Committee: 31 January 2017 **Item Number:** **7**

Application No: W 16 / 1542

Registration Date: 22/08/16
Town/Parish Council: Kenilworth **Expiry Date:** 21/11/16
Case Officer: Sandip Sahota
01926 456554 sandip.sahota@warwickdc.gov.uk

Land at Common Lane, Kenilworth CV8

Variation of Condition 22 of planning permission ref: W/14/1340 from: "The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites" to: "The mix of type and size of market dwellings submitted as part of any reserved matters shall be: 2 bed houses - 10%, 3 bed houses - 30%, 4/5 bed houses - 60%". FOR Bloor Homes Ltd and Bluemark Projects Ltd

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of the report and a new s.106 agreement.

PLANNING HISTORY

W/16/1724 - Application for Variation of Condition 7 to allow a 'fabric first' approach under planning application W/14/1340 - Granted 22/12/2016.

W/14/1340 - Application for outline planning permission with all matters reserved except for access, for erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane - Granted: 23/12/2014

W/14/0618 - Application for outline planning permission with all matters reserved except for access, for erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane - Refused: 22/08/2014.

A subsequent appeal (ref: APP/T3725/A/14/2224356) was received in October 2014 in relation to the requirements of the s.106 Agreement and viability. This appeal is currently held in abeyance pending the outcome of the current application and negotiations with the Local Authority on the s.106 agreement, which is the subject of a separate report to Planning Committee.

DETAILS OF THE DEVELOPMENT

The outline application referred to above was granted subject to a range of planning conditions and a Section 106 agreement. The applicant contends that condition 22 is too restrictive and the limited flexibility has a consequent impact on the development viability of the scheme. The applicant therefore contends that if this market mix can be 'flexed', this would help to ensure the scheme remains viable and also limit the need to reduce the level of planning obligations to improve the viability of the development.

The applicant is seeking to vary Condition 22 of the outline permission to enable the mix of housing in the development to be varied in order to ensure the scheme remains viable in light of increases in infrastructure costs that the applicant now anticipates.

The approved mix of housing was as follows:

2 bed houses - 20 units (35%)
3 bed houses - 25 units (45%)
4 bed houses - 11 units (20%)

The housing mix proposed:

2 bed houses - 10-20%,
3 bed houses - 30-40%,
4 bed houses - 55-65%.

The application is accompanied by a Viability Report. Due to the nature of the commercially sensitive material contained in the report it has been treated as confidential and for internal circulation only. However, in order to assess its validity, it has been referred to the Council's independent consultant for assessment. The Council has received the independent assessment report which has been treated as confidential for the same reasons.

The applicant is also seeking to vary the existing Section.106 Agreement associated with outline planning permission ref: W/141340 to reduce the level of planning contributions. This application is the subject of a separate report.

THE SITE AND ITS LOCATION

The application site was taken out of the Green Belt on 15 December 2008 by the High Court following a successful legal challenge to its inclusion. There is a thin long slither of land which is in the Green Belt and this runs along the eastern boundary of the site and the railway.

The site adjoins the north-eastern side of Kenilworth and forms a triangular piece of land between the railway cutting to the east and Kenilworth Greenway to the west. The Greenway is a linear country park, permissive bridleway, and Sustrans Route 52. The site access currently consists of a farm gate set back from Common Lane, which is bridged at this point to pass over the railway line and Greenway.

The application site consists of agricultural land and is within the open countryside designation in the Local Plan. It covers a total of 3.22 ha. The field immediately to the north which is separated by a hedge line containing two TPO Oak trees is within the Green Belt, and there are strips of Green Belt land each side of the southern tip of the site. This boundary is also the Parish boundary between Kenilworth and Stoneleigh. The application site includes a parcel of land within this field measuring approximately 120m by 60m (0.72ha.). The western and eastern boundaries generally consist of dense tree lines.

On the opposite side of the railway are dwellings on Highland Road, and on the opposite side of the Greenway are dwellings on Woodland Road. The application site adjoins the residential curtilage of one dwelling on Redthorne Grove where there are TPO Oak and Horse Chestnut trees close to the site boundary.

The entire site is within Flood Risk Zone 1. The site slopes in a north easterly direction from the south, from 92m AOD to 79m AOD towards the Canley Brook. Most of the site is Grade 2 (Very Good) agricultural land with the remainder Grade 3 (Good/Moderate). The site is within the Feldon Parklands local landscape character area.

The site is within the open countryside allocation of the current Local Plan where rural area policies apply. The site is included in the Draft Local Plan as an allocated housing site for 90 dwellings (Site H07, Map 5 in the Warwick District Policies Map). The safeguarding route of HS2 lies 320m to the north-east.

RELEVANT POLICIES

- National Planning Policy Framework
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Clerk - Members objected to this proposal and insisted that the request for change of wording should not be approved, and the status quo retained. They felt that the provision contained in the original plan is in accordance with the requirement for the needs of the Town, and in accordance with Local Plan Policy Guidance: "Achieving Mix of Market Housing on new Development Sites".

WCC Highways - No objection. The amendment only alters the proposed housing mix and the Highway Authority considers that the change in traffic levels will be insignificant and the access and highway network will operate without any detrimental impact to its safe and efficient operation.

WCC Ecology - No comments to make.

Natural England - No objection. Make reference to standing advice.

Public Response - 16 objections have been received. Most of these reiterate the objections to the principle of residential development on this site which were submitted in response to the application for outline planning permission. Objections relating specifically to the proposed variation to housing mix have been made on the following grounds:

- Financial viability information submitted to support this application have not been made available to the public;
- An increase in the number of 4 bedroom dwellings is likely to increase further the volume of traffic entering and existing the contrived entrance to the estate;
- Contrary to the Local Authority's adopted policy, and
- Overdevelopment of the site

Assessment

This assessment focuses on the viability issues relating to the outline planning permission and how condition 22 is to be varied. Issues relating to the assessment of the previously approved outline application are not revisited.

Bloor Homes became involved in the scheme in early 2012. The promoter of the site had previously employed a consultant to assess the likely design and cost of the proposed bridge. Bloor Homes subsequently employed their own consultant to review the costs. Both consultants assessed the proposed bridge from a design and cost perspective and both concluded that based on the traffic flows on Common Lane and the likely impact of the additional units that the design was acceptable and both concluded a similar cost and Bloor Homes proceeded to enter into a conditional contract to acquire the land. The purchase price was based on an appraisal which factored in this cost and reflected a developer profit margin on gross development value which was at the lower end of what is generally considered a reasonable return.

Since that time the design of the bridge has gone through a substantial amount of refinement and Bloor Homes have arrived at a design which has recently been agreed with the County Council Highway Authority. The final design has seen the bridge / access way widened by approximately 4 metres which has both necessitated the requirement for the purchase of third party land and also a substantial uplift in build costs as more of the proposed road needs to be structurally retained. In total, the additional road and third party land access costs have significantly increased the overall cost of the road.

Part of the increase in cost for the road can be attributed to the general increase in build costs between 2012 and now. The BCIS index reflects an increase in build costs of 20%.

In addition to the road, build and infrastructure cost increases, the package required through the s.106 agreement is considerably higher than the amount which was anticipated at inception.

While costs have increased, so have sales values. However, due to the housing mix required by Condition 22 of the outline planning permission which seeks to development of more smaller units, the scheme has become unviable. If the

housing mix, as approved, is taken together with the increases in costs outlined above, then the overall margin of the scheme becomes negative.

As part of the assessing the viability position, the developer has undertaken an exercise to look at increasing the number of units to in excess of 110 units, however, this raises problems of affordable housing, increasing s106 costs and potentially a complete review of the highways position.

As such, to address the viability issue, the developer has sought to maintain the number of units at 93, but deliver a mix of 2, 3, 4 and 5 bed houses on the site. The proposed private mix is:

2 bed houses - 6 units (10%)
3 bed houses - 17 units (30%)
4/5 bed houses - 33 units (60%)

The parameters set out in the proposed mix outlined above when taken together with a reduction in the s.106 contributions (assessed separately) would allow the delivery of a viable scheme on the site. The applicant has stated that the profit margin produced by the development would still be well below a level which would normally be deemed to be viable but given the considerable time, resources and money which they have already expended on the project, the developer is prepared to lower their margin requirement in this particular case.

Jones Lang LaSalle (JLL), on behalf of Warwick District Council, have undertaken a critical review of the viability information submitted with the application and the further information they have subsequently requested. They have focussed on the financial assessment of development viability to examine the viability of the scheme, highlighting areas where they believe that further interrogation or information is required or where assumptions or the approach should be revised. They have also undertaken a sensitivity test of the sales values that the applicant has applied, to assess the impact on the viability of the scheme if higher sales values can be achieved.

After incorporating JLL's revised assumptions in the development viability appraisal analysis, a land value range has been deduced, based upon the level of Section 106 contributions that are assumed to be provided and whether the policy compliant housing mix is assumed or the applicant's proposed revised mix. In all scenarios, the Residual Land Value does not exceed the revised Site Value Benchmark that JLL have proposed. This remains the case after sensitivity testing the results to factor in possible higher sales values.

Summary/Conclusion

The viability report submitted and JLL's critical assessment of it suggests that the applicant's proposal to 'flex' the housing mix to ensure the scheme remains viable is justified and therefore planning permission should be granted to vary condition 22 as proposed. If permission is refused, it is highly likely that the site will not be able to move forward to provide housing.

CONDITIONS

1 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of planning permission ref: W/14/1340, i.e. 23 December 2014. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2 The development to which this permission relates shall begin within three years of the date of planning permission ref: W/14/1340, i.e. 23 December 2014 or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (B.0292_13, B.0292_13-2 461095-003 Rev.H, 461095-014 submitted on 25 September 2014 and 10 November 2014. Tree removal and tree protection plan Figure 2 submitted on 25 September 2014), and advanced stop line for cyclists as shown on diagram 1001.2 submitted on 12 December 2014 and specification contained therein. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

4 This permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-

(a) layout
(b) scale
(c) appearance
(d) landscaping

REASON : To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

5 Prior to the submission of any Reserved Matters applications for any phase of development:
· a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the local planning authority.
· the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the local planning authority.
· An Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the LPA. This should detail a strategy to

mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

No development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

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

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

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

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

7 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be

maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

8 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON**: To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.

9 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

10 The development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON**: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.

11 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local 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 pond, wildflower grasslands, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON**: To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF).

12 The development hereby permitted shall not commence until: -

(1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

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

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

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

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

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

(4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling

and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

13 The development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

14 The development hereby permitted shall not be commenced 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. 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.

15 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of noise, vibration, dust, dirt and light during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

16 No development shall take place unless and until a Low Emission Strategy addressing the requirements of the guidance for a medium

scheme under the LES guidance and confirmation from the developer to provide EV charging points has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON**: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.

17 The development hereby permitted shall be carried out in strict accordance with a drainage scheme and details of the following that shall have been submitted to and approved in writing by the local planning authority:

- The applicant is to provide detailed design plans showing the existing and proposed foul & surface water drainage systems for the site, showing the location of yard and road gullies, manhole's, soak ways, septic tanks, cess pitts and pipes including size, shape, material, fall and level in relation to ground and building levels. This should include a manhole schedule.
- The applicant is to provide detailed engineering drawings of the proposed attenuation pond and any other SUDS features incorporated into the design of the site. This should include vehicle and pedestrian access to the proposed attenuation pond to allow for maintenance crews to access the area to maintain control structures and the pond.
- Where works are located within 8m of the watercourse the applicant must obtain land drainage consent from the Environment Agency
- The applicant is to obtain discharge consent from the Environment Agency as part of the application.

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

18 Prior to any development commencing on site, full details of the design and appearance, including materials, of the bridge access into the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the occupation of the development. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

19 This phase of the development shall not commence until a rain water harvesting scheme for the whole of this phase has been submitted to and approved in writing by the local planning authority. This phase of the development shall not be first occupied until the works within this scheme have been completed and thereafter the works shall be retained at all times. **REASON**: To ensure that the re-use and recycling of rain water is facilitated within this phase of the development in accordance with the provisions of Policy DP11 in the Warwick District Local Plan

1996-2011 and the Sustainable Buildings Supplementary Planning Document.

20 Any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

21 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

22 The mix of type and size of market dwellings submitted as part of any reserved matters application is to be agreed with the Local Planning Authority within the following parameters: 2 bed houses - 10-20%, 3 bed houses - 30-40%, 4 bed houses 55-65%. **REASON**: To ensure that the housing meets, as closely as possible, the needs of the District as required by Local Plan Policy SC1 and the NPPF as closely, taking into account the viability of the development.

23 No construction will be undertaken until a Construction Management Plan, which must contain a Construction Phasing Plan and HGV routing plan has been submitted and approved by the local planning authority. **REASON:** In the interests of highway safety, in accordance with Policy

DP6 in the Warwick District Local Plan 1996-2011.

24 Prior to the commencement of the development (not including alterations to the bridge structure), the access to the site from Common Lane shall be constructed, located and laid out in general accordance with drawing number 461095-003 Rev 1 (*Minor alterations may be required during the detailed design process).* **REASON:** In the interests of highway safety, in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011.

25 No infill material system material (soil) shall be imported to the site unless and until analytical test results for the material have been submitted to and approved in writing by the District Planning Authority. The analytical results shall demonstrate that the soil is suitable for its final use. Once the material is in place a further report shall be submitted to and approved in writing by the Local Planning Authority to confirm that the soil cover meets or exceeds the agreed capping depth. **REASON**: To protect the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011

Planning Committee: 31 January 2017 **Item Number:** **8**

Application No: W 16 / 2028

Registration Date: 04/11/16
Town/Parish Council: Whitnash **Expiry Date:** 03/02/17
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

Woodside Farm, Harbury Lane, Bishops Tachbrook, Leamington Spa, CV33 9QA

Substitution of house types on Phase 2 of residential development, creating an additional 2 units (Phase 2 originally approved as part of planning permission no. W/15/0305) FOR Persimmon Homes (Central) Ltd

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This application is being reported to Planning Committee because it is recommended that planning permission be granted subject to the completion of a legal agreement.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to the completion of a satisfactory section 106 agreement.

DETAILS OF THE DEVELOPMENT

This is an application for a substitution of house types on the approved residential development for this site. The amendment involves substituting smaller house types for larger ones, such that there would be an additional 2 dwellings on the site. Other aspects of the development would remain the same as previously approved, including the road layout.

This application is one of two applications currently under consideration for substitution of house types on this residential development. The other is application no. W16/2086 which is the subject of a separate item on this agenda. That application would add a further 28 dwellings to the development (so there would be 30 extra in total across the 2 applications). This would take the total number of dwellings to 310 across the site as a whole.

THE SITE AND ITS LOCATION

The application relates to phase 2 of the residential development that is taking place at Woodside Farm. In particular, the application relates to plots towards the centre of the eastern half of the application site. These plots are away from the site boundaries and some way from the Tachbrook Drive entrance to the site.

PLANNING HISTORY

Outline planning permission was granted for the residential development of the site in 2013 (Ref. W13/1207). Subsequently reserved matters were approved in relation to phase 1 in 2014 (Ref. W14/1054) and for phase 2 in 2015 (Ref. W15/0305).

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix or Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS5 - Directing Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Warwickshire Landscape Guidelines SPG

SUMMARY OF REPRESENTATIONS

Town Council: Support the proposal.

Public response: No comments received.

WCC Flood Risk Management: No objection, subject to the drainage conditions on the previous permission.

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

WCC Landscape: No objection.

WDC Environmental Health: No objection, subject to a condition to require compliance with the approved noise insulation measures as per the previous permission.

WDC Housing Strategy: Outline the requirements in relation to affordable housing for the additional units.

WDC Green Space: Request a contribution towards the provision or enhancement of public open space in relation to the proposed additional dwellings.

ASSESSMENT

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

- the impact on the living conditions of nearby dwellings;
- the impact on the character and appearance of the area;
- car parking and highway safety;
- affordable housing and section 106 contributions;
- the mix of market housing; and
- health and wellbeing.

Impact on the living conditions of nearby dwellings

The proposed revision of house types would not have any significant implications for the living conditions of existing dwellings outside of the development site nor for existing and proposed dwellings within the development site. The proposals would continue to comply with the Council's distance separation guidelines, except where reduced distances have previously been permitted across public streets. Therefore the proposals would have no greater impact in this regard than the approved scheme.

Impact on the character and appearance of the area

The amended house types are in keeping with the design of the parts of the development that have already been constructed. The amendment also has a similar impact as the approved scheme in relation to the amount and layout of

the parking areas. Therefore it has been concluded that this amendment to the approved scheme would have an acceptable impact on the character and appearance of the area.

Car parking and highway safety

The amended proposals provide parking in accordance with the Council's Parking Standards. Furthermore there has been no objection from the Highway Authority. Therefore the proposals are considered to be acceptable in terms of car parking and highway safety.

Affordable housing and section 106 contributions

The applicant has agreed to enter into a section 106 agreement to secure the same contributions and affordable housing provision as was included in the section 106 agreement for the existing planning permission. This is to be increased on a pro-rata basis to account for the additional units. New contributions have also been agreed in relation to public open space (£29,516 - calculated for the combined 30 additional units from this application and application no. W16/2086), indoor sports facilities (£831.04 per dwelling) and outdoor sports facilities (£56.73 per dwelling).

The mix of market housing

As a greater proportion of 2 and 3 bedroom properties are now proposed, the mix of market housing in this revised scheme is more in line with the Council's Housing Mix Guidance. Therefore it is considered that the proposals include an appropriate mix of market housing in accordance with housing needs.

Health and wellbeing

The proposed amendment does not have any significant implications for health and wellbeing.

SUMMARY/CONCLUSION

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore the proposals are considered to be acceptable in terms of car parking and highway safety, affordable housing and section 106 contributions and the mix of market housing. Therefore it is recommended that planning permission is granted.

CONDITIONS

1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) P-21, P-22, P-23, P-2-11, P-2-13 & P-2-14, submitted on 4 November 2016. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with

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

2 The access arrangement hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved access drawing(s) TCP12/191/11/B003/005A, TCP12/191/11/B003/006A, and specification contained therein, submitted on 22nd August 2013. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 An application for the approval of a construction phasing plan of the development shall be submitted before the expiry of three years from the date of this permission. The development shall hereafter be carried out in accordance with the phases established in the phasing plan as approved by the local planning authority. **REASON**: To ensure the proper phasing of the development.

4 No development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
a. low pressure sodium lamps should be used in preference to high pressure sodium or
mercury lamps
b. the brightness of lights should be as low as legally possible
c. lighting should be timed to provide some dark periods
d. connections to areas important for foraging should contain unlit stretches
Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

5 None of the dwellings hereby permitted shall be first occupied until all the works within the fabric first energy efficiency scheme approved under condition 7 of planning permission no. W15/0269 have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

6 No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON**: To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.

7 No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON**: To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011.

8 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

9 The development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON**: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local

Plan.

10 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON**: To ensure a net biodiversity gain in accordance with NPPF.

11 The scheme detailing arrangements to protect residents of the development from excessive traffic noise that was approved under condition 13 of planning permission no. W13/1207 shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

12 The development hereby permitted shall not be commenced 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. 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.

13 The development hereby permitted shall not commence until: -

1(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

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

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

(c) A method statement detailing the remediation requirements,

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

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

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

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

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

14 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality

in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

15 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. Should anything of archaeological significance found then no development shall take place unless and until an appropriate scheme for mitigation and conservation has been submitted to and approved by the local planning authority. Details shall be carried out as approved. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

16 No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.

17 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that were approved under condition 19 of planning permission no. W13/1207. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

18 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings

and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

19 Prior to the allotments becoming operational, allotment sheds/ storage facilities shall have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. **REASON:** To protect the visual amenities of the locality in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

20 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

21 The development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and

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

Planning Committee: 31 January 2017 **Item Number:** **9**

Application No: W 16 / 2086

Registration Date: 15/11/16
Town/Parish Council: Whitnash **Expiry Date:** 14/02/17
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

Land at Woodside Farm, Harbury Lane, Bishop Tachbrook, Leamington Spa, CV33 9QA

Substitution of house types on Phase 2 of residential development, creating an additional 28 units (Phase 2 originally approved as part of planning permission no. W/15/0305) FOR Persimmon Homes (Central) Ltd

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This application is being reported to Planning Committee because it is recommended that planning permission be granted subject to the completion of a legal agreement.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to the completion of a satisfactory section 106 agreement.

DETAILS OF THE DEVELOPMENT

This is an application for a substitution of house types on the approved residential development for this site. The amendment involves substituting smaller house types for larger ones, such that there would be an additional 28 dwellings on the site. Other aspects of the development would remain the same as previously approved, including the road layout.

This application is one of two applications currently under consideration for substitution of house types on this residential development. The other is application no. W16/2028 which is the subject of a separate item on this agenda. That application would add a further 2 dwellings to the development (so there would be 30 extra in total across the 2 applications). This would take the total number of dwellings to 310 across the site as a whole.

THE SITE AND ITS LOCATION

The application relates to phase 2 of the residential development that is taking place at Woodside Farm. In particular, the application relates to the plots towards the south-eastern corner of the site, including part of the southern edge of the development and most of the eastern edge. These plots are some way from the Tachbrook Drive entrance to the site.

PLANNING HISTORY

Outline planning permission was granted for the residential development of the site in 2013 (Ref. W13/1207). Subsequently reserved matters were approved in relation to phase 1 in 2014 (Ref. W14/1054) and for phase 2 in 2015 (Ref. W15/0305).

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix or Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS5 - Directing Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Warwickshire Landscape Guidelines SPG

SUMMARY OF REPRESENTATIONS

Town Council: Support the proposal.

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

- loss of light;
- loss of privacy;
- noise and disturbance;
- impact on the rural landscape;
- harm to the character and appearance of the area;
- the development is too dense;
- there is a lack of openness within the layout and therefore a failure to conform with the garden suburbs principles; and
- increased traffic and lack of any highway mitigation to date.

Environment Agency: No comment.

Warwickshire Police: Make general comments in relation to designing out crime.

WCC Flood Risk Management: No objection, subject to the drainage conditions on the previous permission.

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

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

WCC Landscape: Object due to concerns about the denser layout of dwellings along the eastern boundary resulting in a harder edge fronting open countryside.

WDC Environmental Health: No objection, subject to a condition to require compliance with the approved noise insulation measures as per the previous permission.

WDC Waste Management: Provide general comments in relation to the provision for refuse and recycling.

WDC Housing Strategy: Outline the requirements in relation to affordable housing for the additional units.

WDC Green Space: Request a contribution towards the provision or enhancement of public open space in relation to the proposed additional dwellings.

ASSESSMENT

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

- the impact on the living conditions of nearby dwellings;
- the impact on the character and appearance of the area;
- car parking and highway safety;

- affordable housing and section 106 contributions;
- the mix of market housing; and
- health and wellbeing.

Impact on the living conditions of nearby dwellings

The proposed revision of house types would not have any significant implications for the living conditions of existing dwellings outside of the development site nor for existing and proposed dwellings within the development site. The proposals would continue to comply with the Council's distance separation guidelines, except where reduced distances have previously been permitted across public streets. Therefore the proposals would have no greater impact in this regard than the approved scheme.

With regard to the concerns of the objector about the bungalows adjacent to the northern boundary, these are not affected by the proposed amendment and remain as previously approved.

Impact on the character and appearance of the area

The amended house types are in keeping with the design of the parts of the development that have already been constructed. With more smaller houses now being proposed, the expanses of frontage parking will increase. This is similar to the arrangement with the smaller houses elsewhere on the site as originally approved. Therefore, given the benefits of achieving more smaller units to more closely match identified housing needs, and the provision of more affordable housing, it is not considered that a refusal of planning permission would be justified on these grounds.

The WCC Landscape team have raised concerns about the regimented layout and the expanses of car parking adjacent to the eastern boundary of the site. This relates to concerns about creating a hard edge fronting open countryside. However, the eastern boundary of the site adjoins woodland associated with the Council's sports pitches / public open space on Harbury Lane, so this is not open countryside.

Car parking and highway safety

The amended proposals provide parking in accordance with the Council's Parking Standards. Furthermore there has been no objection from the Highway Authority. Therefore the proposals are considered to be acceptable in terms of car parking and highway safety.

Affordable housing and section 106 contributions

The applicant has agreed to enter into a section 106 agreement to secure the same contributions and affordable housing provision as was included in the section 106 agreement for the existing planning permission. This is to be increased on a pro-rata basis to account for the additional units. New contributions have also been agreed in relation to public open space (£29,516 -

calculated for the combined 30 additional units from this application and application no. W16/2086), indoor sports facilities (£831.04 per dwelling) and outdoor sports facilities (£56.73 per dwelling).

The mix of market housing

As a greater proportion of 2 and 3 bedroom properties are now proposed, the mix of market housing in this revised scheme is more in line with the Council's Housing Mix Guidance. Therefore it is considered that the proposals include an appropriate mix of market housing in accordance with housing needs.

Health and wellbeing

The proposed amendment does not have any significant implications for health and wellbeing.

SUMMARY/CONCLUSION

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore the proposals are considered to be acceptable in terms of car parking and highway safety, affordable housing and section 106 contributions and the mix of market housing. Therefore it is recommended that planning permission is granted.

CONDITIONS

1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) P-31A, P-32, P-2-06, P-2-08, P-2-09, P-2-10-3A, P-2-11, P-2-12, P-2-13, P-2-14, P-2-15, P-2-18, P-2-20, P-2-21 & P-23, and specification contained therein, submitted on 15 November 2016 and 13 January 2017. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

2 The access arrangement hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved access drawing(s) TCP12/191/11/B003/005A, TCP12/191/11/B003/006A, and specification contained therein, submitted on 22nd August 2013. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 An application for the approval of a construction phasing plan of the development shall be submitted before the expiry of three years from the date of this permission. The development shall hereafter be carried out in accordance with the phases established in the phasing plan as approved by the local planning authority. **REASON**: To ensure the proper phasing of the development.

4 No development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
a. low pressure sodium lamps should be used in preference to high pressure sodium or
mercury lamps
b. the brightness of lights should be as low as legally possible
c. lighting should be timed to provide some dark periods
d. connections to areas important for foraging should contain unlit stretches
Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

5 None of the dwellings hereby permitted shall be first occupied until all the works within the fabric first energy efficiency scheme approved under condition 7 of planning permission no. W15/0269 have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

6 No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON**: To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.

7 No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON**: To ensure appropriate open

space and recreational facilities are provided to serve the development in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011.

8 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

9 The development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON**: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.

10 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON**: To ensure a net biodiversity gain in accordance with NPPF.

11 The scheme detailing arrangements to protect residents of the development from excessive traffic noise that was approved under condition 13 of planning permission no. W13/1207 shall be

implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

12 The development hereby permitted shall not be commenced 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. 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.

13 The development hereby permitted shall not commence until: -

1(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

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

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

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

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

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

how this unsuspected contamination shall be deal with.

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

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

14 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

15 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. Should anything of archaeological significance found then no development shall take place unless and until an appropriate scheme for mitigation and conservation has been submitted to and approved by the local planning authority. Details shall be carried out as approved. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-

2011.

16 No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.

17 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that were approved under condition 19 of planning permission no. W13/1207. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

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

Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

19 Prior to the allotments becoming operational, allotment sheds/ storage facilities shall have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. **REASON:** To protect the visual amenities of the locality in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

20 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

21 The development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON**: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

Planning Committee: 31 January 2017 **Item Number:** **10**

Application No: W 16 / 2114

Registration Date: 18/11/16
Town/Parish Council: Kenilworth **Expiry Date:** 13/01/17
Case Officer: Satu Pardivalla
01926 456534 satu.pardivalla@warwickdc.gov.uk

11 Park Hill, Kenilworth, CV8 2JG
Removal of existing roof to bungalow. New first floor accommodation added. Revised roof line and elevation changes to previous planning approval granted under w15/1551 FOR Mr I Connell

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This application has been requested to be presented to Committee by Councillor David Shilton.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is to raise the roof of the property to create a first floor level and further accommodation.

Planning permission was originally granted in 2015 for this proposal (W/15/1551) involving the raising of the roof of the original bungalow by a maximum of 1.3m to create additional accommodation at the first floor level. That proposal (and that the subject of this revised application) did not involve any changes to the existing flat roofed extension to the rear of the property.

The current revised proposal the subject of this report proposes the increase of the maximum height of the roof by 0.5m beyond the height previously approved.

THE SITE AND ITS LOCATION

The application building is a detached bungalow located on the western side of Park Hill some 75 metres north of its junction with Whitemoor Road. This part of Park Hill comprises of a variety of design and types of buildings including detached dwellings, chalet bungalows and bungalows.

The application relates to a bungalow which is set in line with the neighbouring house to its south (No 9). The neighbouring dwelling to the north (No 13) is a detached chalet bungalow.

PLANNING HISTORY

- W/09/0536 - Granted for the erection of a single storey rear extension.
- W10/0162 - Granted at committee for the increase in height of flue on rear extension (retrospective application).
- W/15/1551 - Granted for the removal of the roof of the existing bungalow and alterations to provide new first floor accommodation.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Councillors: Councillors Bunker and Shilton have expressed concerns relating to the adverse impact of the proposals on the residential amenities of an adjacent property.

Ecological Services: Recommends conditions relating to bats and birds.

Kenilworth Town Council : Members had no reason to object, provided this change does not further impact on over-looking.

Public Response: Objections on the grounds of dominance, loss of light/outlook/privacy and dominance have been received from the occupier of an adjacent dwelling.

Assessment

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

- Design
- Amenity
- Sustainability

Design

Planning permission has been previously granted (W/15/1551) to increase the height of the roof of this property to provide additional accommodation. The design, scale and impact on the street scene of a two storey dwelling has therefore previously been considered to be acceptable in the circumstances of this proposal where there is a variety of different house types and designs in the immediate area.

This proposal differs from the previous permission in that it is now proposed to increase the maximum height of the roof by a further 0.5 metres which in design terms is not considered to differ significantly from the approved scheme and will remain acceptable within the surrounding area in visual terms.

Amenity

The proposals, as amended are not considered to result in any significant additional effect on the amenities of the adjacent residential properties relative to the approved scheme. In terms of this submission, those amendments include the removal of a proposal to use an existing flat roofed area as a balcony with the inclusion of a juliette balcony as an alternative which will be controlled through the use of a suitably worded condition.

Sustainability

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through energy efficiency in accordance with Policy DP12 and the associated SPD would be appropriate and should be secured by a condition.

Ecology

WCC Ecology has recommended a condition relating to bats and birds. This matter can be appropriately dealt with through an informative on the planning permission.

Summary/Conclusion

The proposals are considered to be in accordance with the requirements of Policies DP1 (Layout and Design), DP2 (Amenity) and DP13 (Renewable Energy Developments) of the Warwick District Local Plan 1996-2011 and the provisions

of the National Planning Policy Framework. It is considered that the proposed development will safeguard the character of the area, and the enlarged dwelling will not adversely impact on the amenities of neighbouring properties.

CONDITIONS

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 02A, 03C & 04A, and specification contained therein, submitted on 18 November 2016 and 11 January 2017. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

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

4 The rear flat roof area shall not be used as a balcony, roof garden or similar amenity area. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

5 Prior to the occupation of the development hereby permitted, the rooflights in the south and north 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 windows shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

Planning Committee: 31 January 2017 **Item Number:** **11**

Application No: W 16 / 2169

Registration Date: 12/12/16
Town/Parish Council: Leamington Spa **Expiry Date:** 06/02/17
Case Officer: Reddy Nallamilli
01926 456521 reddy.nallamilli@warwickdc.gov.uk

66 Radford Road, Leamington Spa, CV31 1JG
Retrospective application for change of use from C3 (Dwelling House) to C4 (Small HIMO) FOR Mrs J George

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This application has been requested to be presented to Committee by Councillor Barbara Weed and more than 5 letters of objection have been received.

RECOMMENDATION

Planning Committee are recommended to grant retrospective planning permission subject to the condition listed at the end of the report.

DETAILS OF THE DEVELOPMENT

This application seeks to regularize a change of use from a dwelling house (Use Class C3) to a House in Multiple Occupation (Use Class C4) accommodating 4 residents.

The submitted details indicate the following layout;

Ground floor: lounge, dining room, hall and kitchen

First Floor: 3 separate bedrooms, bathroom, shower room and study

Lower ground floor: bedroom with an en-suite and storeroom

THE SITE AND ITS LOCATION

This application property forms one half of a traditional pair of semi-detached dwellings. The premises are set back from Radford Road and sited between its junctions with St. Marys Rd and St. Marys Crescent. The wider area is predominantly residential in character.

PLANNING HISTORY

88 Radford Rd

20 May 2014. Planning permission refused for a change of use of a dwelling house to a HIMO at 88 Radford Rd for the following reason

The proposals would cause unacceptable harm to the living conditions of nearby residents by exacerbating the concentration of HMOs and student accommodation in this area which will lead to an increase in the problems associated with concentrations of such uses. In reaching this conclusion, significant weight has been attached to the contents of Appendix 1 of the report on the Article 4 Direction which provides a detailed assessment of the problems associated with the concentration of student accommodation in Leamington. The proposals are therefore considered to be contrary to the aforementioned policies.

Subsequent appeal dismissed, the Inspector did not consider that there was a convincing reason to allow an exception to the policy.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council-Objection The Town Council wishes to raise an objection to this application on the following grounds:

The application exceeds the Article 4 Direction planning policy (not more than 10% of properties within a 100m radius should be HMOs).

The use of the property as an HMO necessarily produces more rubbish, and poor rubbish disposal and casual littering is already a serious issue on Radford Rd.

Parking is very difficult outside this property and the neighbouring properties with cars already being parked on the pavement itself due to not being able to be parked along the roadside. This then leads to the issue of endangering highway safety for other car users and pedestrians.

This application adds to the excessive number of HMOs and the continuing reduction in family homes available in a street which has predominantly residential use. This leads to a reduction in property care and maintenance which worsens the local environment and has an increasingly negative impact on the Conservation Area.

Leamington Society: Object to the proposal primarily on the grounds of the issues that arise from such uses which include the amount of rubbish generated that be generated, inadequate parking facilities, displacement of family accommodation, late night noise and conflict with existing policy guidance.

Private Sector Housing: No objection

Public Response: 18 letters of objections have been received. These objections can be summarised as follows;

- Proposal would set an undesirable precedent if permitted and undermine the purpose of the Article 4 Direction;
- Existing HIMOS in the locality have led to anti-social behaviour, general noise and disturbance and an accumulation of rubbish;
- Inadequate parking provision exists leading to excessive number vehicles utilising an already busy Radford Road;
- Applicant can't control the type of person or tenants occupying the property and would lead to an "over - studentification" of the locality;
- Such properties should be retained as family dwellings;
- Proposal should be refused purely on the grounds that it exceeds the 10% threshold;
- Owners of the property have gained financially without the benefit of planning permission;
- Proposal conflicts with the existing planning policies, there is already a concentration of such uses in the locality;
- The appeal decision relating to 88 Radford Road supports local residents concerns.

A separate letter has been received from Councillor Colin Quinney who supports his constituents objections which are set out above.

Councillor Barbara Weed has requested that the application be determined by the Planning Committee, if the recommendation is for approval.

KEY ISSUES

Assessment

Applications for conversions to houses in multiple occupations are required to be assessed against the National Planning Policy Framework, saved Polices set out in the Warwick District Local Plan 1996-2011 as well as Policy H6 of the emerging Draft Local Plan 2014.

The National Planning Policy Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, and outlines that there are three dimensions to sustainable development namely economic, social and environmental. The social role relates to the need to support strong, vibrant and healthy communities, by providing a supply of housing required to meet the needs of present and future generations. It advocates planning for a mix of housing based on demographic trends and the needs of different groups in the community and that consideration should be given to identifying, the size, type, tenure and range of housing that is required in particular locations

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

- whether the proposals would cause or add to a harmful over-concentration of HIMOs in this area;
- the impact on the living conditions of neighbouring occupiers;
- the impact on the character and appearance of the Conservation Area;
- car parking and highway safety;

Issue 1: Whether the proposals would cause an harmful over-concentration of HIMO accommodation in this area

The application property is covered by an Article 4 Direction which restricts changes of uses falling within Class C4 Houses in Multiple Occupation (HMIOs). This Article 4 Direction was placed by the District Council following concerns raised by the local community regarding the concentration of HIMOS in the Town particularly those occupied by students.

Objections have been raised to the principle of the existing HIMO use at this property. Saved Local Plan Policy DP2 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The new Emerging draft Local Plan 2014 includes Policy H6 Houses in Multiple Occupation and Student Accommodation. The Policy states that planning

permission will only be granted for Houses in Multiple Occupation, including student accommodation where:-

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

Assessment of above criteria

a) 9 HIMOs excluding the application property have been identified within a 100 metre radius of the application site.

The proportion of HIMOs including the application property to residential premises would equate to a 10.3% concentration. The proposal therefore marginally exceeds the threshold criteria of a 10% concentration within a 100 metre radius of the application property.

Objectors to the current application have referred to the outcome of an appeal decision in 2015 for a change of use to a small HIMO at 88 Radford Rd. That appeal was dismissed. It is worth noting with that particular proposal, the proportion of HIMOs within a 100m radius of the housing property represented 13% of the local housing stock. In that appeal decision, the Inspector noted that the existing policy did not seek to "promote a blanket prohibition on further HMO'S in the area". In this particular case the Inspector recognised that the Council "provided substantial evidence to demonstrate that the general erosion in the quality of life of long term local residents in those areas of the Town where sizeable concentrations of student HIMOs arise." Furthermore the introduction of the of a large number of HMOs into residential areas generally leads to a general reduction in property care and maintenance ... and poor regard for refuse management." For the reasons outlined above the Inspector did not feel that there was a convincing reason to allow an exception to the policy in that instance.

The purpose of the emerging local plan policy is to primarily control the location of new HIMOS to prevent local conditions being exacerbated through existing concentrations and preventing new local concentrations occurring. It has provision within it to allow for such proposals where it can be demonstrated that the use as a HIMO would not adversely impact on existing residential amenity.

Notwithstanding the objections raised, the current proposal represents an increase to 10.3% and therefore marginally exceeds the 10% criteria. It is also

noted that there is no evidence that since the use of the application property as a small HIMO commenced that it has resulted in any particular complaints being generated in terms of anti-social behaviour, parking or refuse storage problems. The objections received do not specifically relate to this property as causing the type of problems identified by HIMOs.

Whilst the loss of the dwelling is regrettable, it is concluded that the proposed HIMO use does accord with the main thrust and principles of the existing relevant HIMO Policy and would not lead to any identifiable demonstrable harm or contribute significantly to an existing over-concentration of HMIOs within the locality to such an extent as to prevent the retrospective planning permission being granted.

b) The property is situated on a public transport corridor.

Sufficient adequate bus facilities and local shops/services exist within reasonable walking distances. There is a bus stop immediately outside the application property.

c) Dwelling situated between two HIMO’s

The proposal would not result in an existing family dwelling being situated between two HIMO’s. The nearest HIMO on Radford Rd is located at No. 60.

d) Continuous frontage of 3 or more HIMO's

The proposal would not lead to a continuous frontage of 3 or more HIMOs.

e) Refuse Facilities

The current arrangements are that a grey wheelie bin, a green wheelie bin and a red recycling boxes are provided at the property. These are stored in the rear garden and bought to the front by the side path on collection days.

Issue 2: The impact on the amenity of the area and living conditions of local residents.

It is recognised that there is a particular concentration of HIMOs in South Leamington, the effect of which can result in alleged problems associated with noise and anti-social behaviour, increased crime, impact on the physical environment and pressure on spaces for on-street parking amongst other issues.

Policy DP2 of the Warwick District Local Plan 1996 - 2011 and Policy BE3 of the Draft Local Plan 2014 state development or change of uses will not be permitted which has an unacceptable impact on the occupiers of nearby occupiers.

The applicant states that the property was used primarily as a family residence between 2001to 2012. The property has subsequently been rented out since February 2012 when the applicant moved out. The property is currently occupied by 4 separate individuals from a professional background.

The potential cumulative impact from such uses and the concerns of local residents on this issue have been carefully considered. However on this occasion there is no particular evidence to indicate that this existing small HIMO has caused any specific concerns or added significantly to any harmful over-concentration of HIMOs in this area sufficient to justify refusing planning permission. Therefore it is considered that the cumulative impact on the living conditions of neighbouring occupiers arising from this proposal would be negligible. Whilst the immediately surrounding area is residential in character, the proposal would not necessarily have a significant damaging impact on its residential surroundings. The property is sited along a major route way with associated higher ambient noise levels from traffic which would be prevalent in the late evening. It is not considered that the proposal is likely to lead to such an extensive increase in activity on nearby residential roads to lead to a significant nuisance occurring to the detriment of local amenities.

In summary on this issue, it is not considered that the proposal would lead to such an unacceptable disturbance for existing local residents to withhold planning permission.

Issue 3: Impact on the character and appearance of the Conservation Area

The property is a semi-detached domestic scaled dwelling located within the Leamington Spa Conservation Area. Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 sets out a general duty which specifically applies to conservation areas and states in particular that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework advises that the level of detail provided should be proportionate to the assets importance. Saved Policies DAP8 & DAP9 seek to ensure that the new development in Conservation Areas is carried out sympathetically and that it makes a positive contribution. The Conservation Area is noted for its important mix of buildings, tree lined avenues, mature gardens. The National Planning Policy requires all development to respect surrounding buildings in terms of scale, height, form and massing. The proposed change of use would not harm the character and appearance of the Conservation Area.

Policy DAP8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. The proposal does not include any external alterations and involves a residential use and it not considered that the use will harm the character and appearance of the Conservation Area.

Issue 4 Car parking and highway safety

Policy DP8 states that development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) Vehicle *Parking Standards* sets out Warwick District Council's detailed parking standards for developments.

The SPD requires HIMOs to provide one car parking space per two bedrooms. The proposal therefore requires two car parking spaces a does the former use of the property as a dwelling house. None of the properties along this frontage have specific off street parking spaces available. The pavement outside these properties is a wide and is utilised for parking. The existing use as a dwelling currently does not offer any of street parking facilities. Therefore, there is no additional net requirement for parking and the proposal complies with the relevant policies. Adequate circulation space exists for pedestrian movement. In these circumstances it would be difficult to sustain a refusal based on highway related matters.

Renewables

It is considered that the change of use would not have any additional demand on energy requirements and therefore there is no requirement for renewables in accordance with Policy DP13 and the associated SPD.

Summary/Conclusion

This proposal would result in a concentration of HMOs slightly above the 10% threshold. However in the particular circumstances of this case, there is no specifically identifiable demonstrable harm from this existing use of the premises to justify a refusal of planning permission. For these reasons the proposal is considered to comply with the thrust of the general aims and objectives set out in emerging Draft Local Plan 2014 and more specifically Policy H6 and the National Planning Policy Framework.

CONDITIONS

1 The development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved "floor plans", and specification contained therein, submitted on 11 December 2016. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.