Planning Committee
Tuesday 16 June 2026

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 16 June 2026, at 6.00pm, and available for the public to watch via the Warwick District Council YouTube channel.

Councillor A Boad (Chair)
Councillor N Tangri (Vice Chairman)

Councillor K Aizlewood
Councillor R Dickson
Councillor B Gifford
Councillor J Kennedy
Councillor C Knight
Councillor M Luckhurst
Councillor R Margrave
Councillor P Phillips
Councillor C Wightman

Emergency Procedure

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

Agenda

Part A – General

1. **Apologies & Substitutes**

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

2. **Declarations of Interest**

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

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

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

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

3. **Minutes**

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To confirm the minutes of the meeting held on 19 May 2026.

Part B – Planning Applications

4. **W/25/1717- Former Kenilworth School, Leyes Lane, Kenilworth**
****Major Application****
(Pages 1 to 38)

5. **W/26/0090 - 5-9 Tavistock Street, Royal Leamington Spa**
****Major Application****
(Pages 1 to 31)

6. **W/26/0091 LB – 5-9 Tavistock Street, Royal Leamington Spa**
(Pages 1 to 17)

7. **W/24/1438- Aldi, Shires Retail Park, Tachbrook Park Drive, Warwick**
(Pages 1 to 20)

8. **W/25/1018- Glebe Hotel, Church Street, Barford** **(Pages 1 to 23)**

9. **W/25/1020 LB Glebe Hotel, Church Street, Barford** **(Pages 1 to 7)**

10. **W/26/0226- 79 Home Farm Crescent, Whitnash** **(Pages 1 to 5)**

Part C – Other matters

11. **Appeal 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 the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting by attending the meeting in person on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at Speaking at Planning Committee any time after the publication of this agenda, but before **10.00am** on the working day before the day of the meeting and you will be advised of the procedure.

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

(e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via

the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified

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General Enquiries: Please contact the Committee Services team via email at committee@warwickdc.gov.uk. Alternatively, you can contact us at:

Warwick District Council, Town Hall, Parade, Royal Leamington Spa, CV32 4AT or telephone 01926 456114.

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

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Planning Committee

Minutes of the meeting held on Tuesday 19 May 2026, at the Town Hall, Royal Leamington Spa, at 6.00pm.

Present: Councillor Boad (Chair); Councillors Aizlewood, B Gifford, Kennedy, Knight, Luckhurst, Margrave, Phillips, Russell, Tangri and C Wightman.

Also Present: Lesley Campbell – Interim Committee Services Officer; Nigel Bell – Legal Advisor; Gary Fisher – Development Manager; Lucy Shorthouse – Project Officer; James Moulding – Planning Officer; Rebecca Compton – Senior Planning Officer; Ellie Cowlishaw – Senior Environmental Protection Officer; and Frances Taylor – Environmental Protection Team Leader.

1. **Appointment of Chair**

It was proposed by Councillor Gifford, seconded by Councillor Kennedy and

Resolved that Councillor Boad be appointed as Chair for the 2026/2027 municipal year.

2. **Appointment of Vice-Chair**

It was proposed by Councillor Margrave, seconded by Councillor Luckhurst and

Resolved that Councillor Tangri be appointed as Vice-Chair for the 2026/2027 municipal year.

3. **Apologies and Substitutes**

(a) No apologies for absence were received; and

(b) Councillor Russell substituted for Councillor R Dickson.

4. **Declarations of Interest**

Minute Number 9 – W/25/1762 – Warwick Boat Club, Banbury Road, Warwick

Councillor Phillips declared an interest on the grounds that a member of his family was a member of the club, but he was not pre-determined and would listen to the debate with an open mind.

5. **Site Visits**

There were no site visits.

6. **Minutes**

The minutes of the Planning Committee meeting held on 14 April 2026 were taken as read and signed by the Chair as a correct record.

10. W/25/1762 – 119 Leicester Street, Royal Leamington Spa Application Withdraw

The Chair informed the Committee that item 10 (W/25/1762), 119 Leicester Street, Royal Leamington Spa, had been withdrawn from the agenda.

7. W/25/1274 - Peacock Stables, Peacock Lane, Holywell, Rowington

The Committee considered an application from Mr and Mrs Layton for the erection of a rural worker's dwelling, to replace the existing temporary rural worker's dwelling.

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

The officer was of the opinion that the proposed development represented sustainable development in accordance with the Local Plan and the National Planning Policy Framework (NPPF). The need and viability had been demonstrated and were corroborated by a specialist rural consultant, in compliance with the Local Plan policies and the NPPF in relation to rural workers' dwellings. Very special circumstances were therefore engaged in respect of development within the Green Belt, and the proposal was considered acceptable.

It was concluded that the benefits of the proposal would outweigh any identifiable harm, and planning permission was recommended for approval, subject to conditions.

An addendum circulated prior to the meeting advised that five further objections had been received.

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

Resolved that W/25/1274 be **granted**, subject to the following conditions:

No.	**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) 2344/2, and

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specification contained therein, submitted on 24/11/2025.

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

(3) no development shall commence including site until a scheme for the provision of 3 swift bricks to be incorporated within the proposed building within the site, has been submitted to and approved by the Local Planning Authority. The scheme must include box type, locations, and installation timescale. Thereafter, the swift bricks shall be installed in accordance with the approved details and maintained in perpetuity.

Reason: To enhance the biodiversity of the site in accordance with Policies NE2 and NE3 of the Warwick District Local Plan NPPF, ODPM Circular 2005/06 and NERC Act (2006, as amended);

(4) the dwelling hereby permitted shall be constructed only as a self-build house within the meaning of Section 1 (A1) of the Self-build and Custom Housebuilding Act 2015.? No development shall commence until the name(s) of the individual(s) by whom house is to be occupied as their principal residence has/have been provided in writing to the Council. Within 14 days of first entering into occupation of the dwelling, the first occupier shall notify the Local Planning Authority in writing of the date when they entered into occupation. For a period of three years starting on the date when the dwelling is first occupied, the dwelling shall only be occupied by the individual(s) so notified to the Council and their dependants and co-habitees, as a self-build/custom build dwelling in accordance with Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 except with the express written consent of the Council.

In the event that the dwelling is not built and occupied for a minimum 3 years as a self-build/custom build property, a biodiversity net gain plan shall be submitted to and approved by the Local Planning Authority. The biodiversity net gain plan shall then be

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implemented in accordance with the approved details.

Reason: Exemption from 10% mandatory biodiversity net gain has been obtained because the dwelling is a self-build/custom build property;

(5) the occupation of the dwelling hereby permitted shall be restricted to persons solely or mainly working, or last working, in the locality in agriculture, equestrian or in forestry. For the avoidance of doubt such persons shall include a spouse, partner, widow or widower of such a person, and any dependants who reside with such a person.

Reason: The dwelling is needed for occupation by a rural worker and in order to protect the Green Belt, occupation is restricted so that the dwelling continues to serve the needs of agriculture, equestrian and forestry in accordance with Policies DS18 and H12 of the Warwick District Local Plan;

(6) prior to the occupation of the dwelling hereby permitted, one 3.7kW (minimum) electric vehicle recharging point shall be installed. Once installed, the electric vehicle recharging point shall be retained thereafter and shall not be removed or altered in any way (unless being upgraded).

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;

(7) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance

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with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;

(8) the development hereby permitted shall be carried out in strict accordance with the details set out in the approved Energy Statement Rev A dated March 2026, submitted to the Local Planning Authority on 16/03/2026.

No dwelling hereby permitted shall be occupied unless and until a Verification Report to demonstrate that the as-built performance of the constructed dwelling complies with the approved Energy Statement has been submitted to and approved in writing by the Local Planning Authority.

The Verification Report shall include:

- SAP calculations of the constructed dwelling(s).
- Results of the measured air permeability tested in accordance with the procedures set out in TM23 (and reported as part of compliance with Section 7, Part L of Buildings Regulations).
- Accredited construction detail performance as confirmed by infra-red thermographic survey and selective borescope surveys or other method as agreed in writing by the LPA.
- Logbook provided to demonstrate that ventilation and heating systems are installed and operating correctly, and a user guide on how these are to be used in operation of the building.

Reason: To ensure that the constructed building(s) meet the standards set by Policy

No.	Conditions
	NZC1 of the Warwick District Net Zero Carbon Development Plan Document (DPD);
(9)	no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
(10)	the development hereby permitted shall not be occupied unless and until: (a) details of refuse and recycling storage areas for the development have been submitted to and approved in writing by the Local Planning Authority; and (b) the refuse and recycling areas approved under (a) have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development. No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications. Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities. **Reason:** To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory

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development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

(11) prior to the occupation of the dwelling hereby permitted, the existing temporary dwelling as approved under application W/21/1944 and shown by drawing OCTL00420SO, submitted on 23/01/2026, must be removed from the site in its entirety, along with any associated materials.

Reason: To ensure a satisfactory form of development in accordance with Policies BE1 and DS18 of the Warwick District Local Plan 2011-2029; and

(12)

notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall take place which falls within Schedule 2, Part 1 (all classes), and Part 2, Class A of this Order.

Reason: To retain control over future development of the dwelling in the interests of ensuring that the dwelling is appropriate for the needs of the rural business.

8. W/25/1543 – Land Rear of 209 Warwick Road, Kenilworth

The Committee considered an application from Mr J Holland for a proposed new build detached single storey dwelling.

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

The officer was of the opinion that at the time of writing the report, the Council was not able to demonstrate a Five-Year Housing Land Supply. As a result, paragraph 11(d) of the National Policy Framework (NPPF) was engaged for the purposes of decision-making.

Paragraph 11(d)(ii) required an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal when considered against the policies of the (NPPF) as a whole, with particular regard to

sustainable locations, effective use of land, securing well-designed places, and providing affordable homes where applicable.

The site was considered to be in a sustainable location and to represent an effective use of land, and the proposal was regarded as being of good design.

The development would have introduced benefits through the creation of a net increase of one dwelling in a sustainable location. Moderate weight was afforded to this benefit of the scheme.

Councillor Marsh, Kenilworth Town Councillor, addressed the Committee, speaking in objection.

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

Resolved that W/25/1543 be **granted**, subject to the following conditions:

No.	**Conditions**
(1)	the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
(2)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) PL01 Rev N, PL02 Rev G, and specification contained therein, submitted on 27th April 2026. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(3)	no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

No. **Conditions**

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

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

Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;

(5) the development hereby permitted shall not occupied unless and until pedestrian/cycle visibility has been provided to the vehicular access to the site with an 'x' distance of 2.4m, measured from the rear edge of footway, and 'y' distances of 25m measured to the rear edge of the footway to the east and west.

No. **Conditions**

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

(6) prior to the occupation of the dwelling(s) hereby permitted, one 7kWh (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;

(7) the development hereby permitted shall be carried out strictly in accordance with the details contained within document: Flood Risk Assessment and Surface Water Drainage Strategy ref: M2765-BPL-ZZ-ZZ-RP-C-001 Rev 2 and notes and protocols contained therein, received by the Local Planning Authority on 18th March 2026.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure the risk of flooding is not increased to third parties, and to ensure adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

(8) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of

No.	Conditions
	110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;
(9)	the development hereby permitted shall not commence including any site clearance until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be compliant with the British Standard on Biodiversity BS 42020:2013. In discharging this condition, the Local Planning Authority expect to see details concerning pre-commencement checks for protected and notable species (badger, breeding birds, hedgehogs, amphibians and reptiles) and appropriate working practices and safeguards for retained habitats and for wildlife that are to be employed whilst works are taking place on site to include supervised vegetation clearance, toolbox talk, procedure if found, consideration of lighting and storage of materials. The agreed Construction Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;
(10)	the development hereby permitted shall not be occupied unless and until: (a) a scheme for the provision of a bat box or other bat roosting feature within the application site has been submitted to and

No. **Conditions**

approved in writing by the local planning authority; and

(b) the bat box or other bat roosting feature approved under (a) have been installed in strict accordance with the approved details.

The bat boxes or other bat roosting features shall be retained and maintained at all times thereafter.

Reason: To mitigate ecological impacts, in accordance with the NPPF, ODPM Circular 2005/06 and Policies NE2 and NE3 of the Warwick District Local Plan;

(11) the development hereby permitted shall not commence (including site clearance) until proof that the correct number and type of offsite biodiversity units have been purchased and allocated to the development by a Biodiversity Gain Site on the Biodiversity Gain Sites Register has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development complies with statutory requirements relating to Biodiversity Net Gain as required under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021);

(12) the development hereby permitted shall not commence (including site clearance, or site preparation works) until a tree and hedgerow protection scheme, including a site-specific Arboricultural Method Statement (AMS), has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall set out measures for the protection of all existing trees and hedgerows on and adjoining the site throughout the course of the development. These measures shall be implemented in full accordance with the approved details.

Where the approved details require the installation of protective fencing or ground protection, these shall be installed prior to any development taking place and before any equipment, machinery, or materials are brought onto the site. Such protection shall be retained until all equipment, machinery,

No. **Conditions**

and surplus materials have been removed from the site following completion of the relevant part of the development. No storage of materials, alteration of ground levels, or excavation shall occur within any protected area without the prior written approval of the LPA.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

(13) the development hereby permitted shall be carried out in strict accordance with the details set out in the approved Energy Statement dated 10th March 2026 submitted to the Local Planning Authority on 11th March 2026.

no dwelling hereby permitted shall be occupied unless and until a Verification Report to demonstrate that the as-built performance of the constructed dwelling complies with the approved Energy Statement has been submitted to and approved in writing by the Local Planning Authority.

The Verification Report shall include:

a) SAP calculations of the constructed dwelling(s).

b) Results of the measured air permeability tested in accordance with the procedures set out in TM23 (and reported as part of compliance with Section 7, Part L of Buildings Regulations).

c) Accredited construction detail performance as confirmed by infra-red thermographic survey and selective borescope surveys or other method as agreed in writing by the LPA.

d) Logbook provided to demonstrate that ventilation and heating systems are installed and operating correctly, and a user guide on how these are to be used in operation of the building.

Reason: To ensure that the constructed building meets the standards set by Policy

No.	Conditions
	NZC1 of the Warwick District Net Zero Carbon Development Plan Document (DPD); and
(14)	The development hereby permitted shall not be occupied until the noise mitigation measures have been completed in full accordance with the following approved details: • Noise impact assessment report prepared by Parkerjones Acoustics Ltd dated 2nd March 2026, for Land to the Rear of 209 Warwick Road, Kenilworth. Thereafter those measures shall be maintained in accordance with the aforementioned details in perpetuity. • A full design and construction specification of an acoustic barrier shall be submitted to and approved in writing by the local planning authority before any development above floor slab level. • The acoustic barrier(s) shall be imperforate and sealed at the base. The acoustic barrier(s) shall be installed in accordance with the approved details and shall thereafter be retained as such. **Reason**: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

9. **W/25/1752 – Warwick Boat Club, Banbury Road, Warwick**

The Committee considered an application from the Warwick Boat Club for the installation of three outdoor padel courts, together with an associated perspex acoustic barrier and floodlights on two existing tennis courts.

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

The officer was of the opinion that the proposed development had an acceptable impact on the character and appearance of the area, the nearby Listed Buildings, and the surrounding Conservation Area, taking into account the specific context of the application site as an established sports facility.

The amended proposal was also considered to have an acceptable impact on the amenity of neighbouring uses, subject to the imposition of specific conditions to ensure that the development was carried out in accordance with the submitted details and specifications. The proposed scheme was considered to be acceptable from a parking, ecological, and flood risk perspective. Therefore, the proposed development was considered to be in accordance with the aforementioned policies, and it was recommended that the application should be approved.

The following people addressed the Committee:

- Mrs Hunt, objecting; and
- Councillor Jacques, Warwick Town Councillor, objecting.

An addendum circulated prior to the meeting advised Members of additional consultation responses, including an objection from Warwick Town Council. One additional public comment had been received requesting that a planning condition should be added to control the timing of the illumination of the padel courts.

In response, officers considered that the addition of the following condition would be appropriate:

The floodlighting hereby permitted shall only be illuminated when the padel courts are in use. ***Reason:*** *to ensure that the site is not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.*

The addendum also advised of an update to Condition 7, to explicitly include reference to the installation of the acoustic barrier in its entirety prior to the commencement of the use. Amended condition wording was as follows:

The proposed development shall be carried out in accordance with the 'Peninsular Acoustics' Acoustic Assessment, (PA1088), and the mitigation measures contained therein, submitted on 26/03/2026. The noise attenuation barrier shall be installed in full accordance with the details provided (as set out within the 'Peninsular Acoustics' Acoustic Assessment, (PA1088), submitted on 26/03/2026 and approved drawing A05-A, submitted on 08/04/2026) and shall have been installed in its entirety prior to the commencement of the use hereby permitted. The noise attenuation barrier shall be permanently retained and maintained in good working order at all times thereafter. ***Reason:*** *In order to protect the amenity of the neighbouring occupiers and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011 - 2029.*

Following consideration of the report, presentation, representations made at the meeting, and the information contained in the addendum, it was proposed by Councillor Kennedy and seconded by Councillor Knight that the application should be granted, subject to the conditions listed in the report, the updated Condition 7 and the additional condition outlined the Update Report and above.

Resolved that W/25/1752 be **granted**, subject to conditions:

No.	Conditions
(1)	the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
(2)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) A03-B and A05-A, and specification contained therein, submitted on 08/04/2026, and approved drawing(s) A04-B, and specification contained therein, submitted on 09/04/2026. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(3)	the development hereby approved shall not commence until a detailed schematic drawing of the proposed access gate with the Perspex barrier has been submitted to and approved by the Local Planning Authority, demonstrating that the proposed acoustic barrier will have no gaps present where noise is likely to escape from. The acoustic barrier shall be installed in strict accordance with the approved details and shall be retained in perpetuity. **Reason:** In order to protect the amenity of the neighbouring occupiers and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011 – 2029;
(4)	prior to the commencement of the development (including all preparatory works), a Tree Protection Plan (TPP) and detailed Arboricultural Method Statement (AMS), together referred to as the "Scheme of Protection, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme of Protection shall set out the measures to protect all retained trees, both within the site and outside the site where they may influence, or be

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influenced by, the development, from harm throughout the construction process. The TPP shall be overlaid on the approved development plan(s).

The development shall thereafter be carried out strictly in accordance with the approved Scheme of Protection. Where works are required within the Root Protection Area (RPA) of any retained trees and, due to the nature of the proposal, the approved protection measures cannot be fully implemented, all such works shall be undertaken under the supervision of an Arboricultural Clerk of Works (ACoW) particularly where there is a risk of root disturbance or damage, unless otherwise agreed in writing by the LPA.

All protective fencing and/or ground protection identified within the approved Scheme of Protection shall be installed prior to any works commencing on site, including the bringing onto site of any plant, machinery, equipment or materials, and shall be retained and maintained in place until completion of the relevant part of the development and the removal of all associated plant, machinery, equipment and materials from the site.

No storage of materials, spoil, or equipment shall take place within any area protected by fencing and/or ground protection installed in accordance with this condition. Ground levels within such protected areas shall not be altered, and no excavation or other works shall be undertaken within those areas, unless otherwise agreed in writing with the LPA.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

(5) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The

No. Conditions

development shall only be carried out in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

(6) no development shall be carried out above slab level unless and until large scale details of the proposed padel courts and Perspex acoustic barrier at a scale of 1:5 (including details of materials) and a technical specification of the proposed floodlights from the manufacturer have been submitted to and approved by the Local Planning Authority.
the development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;

(7) The proposed development shall be carried out in accordance with the 'Peninsular Acoustics' Acoustic Assessment, (PA1088), and the mitigation measures contained therein, submitted on 26/03/2026. The noise attenuation barrier shall be installed in full accordance with the details provided (as set out within the 'Peninsular Acoustics' Acoustic Assessment, (PA1088), submitted on 26/03/2026 and approved drawing A05-A, submitted on 08/04/2026) and shall have been installed in its entirety prior to the commencement of the use hereby permitted. The noise attenuation barrier shall be permanently retained and maintained in good working order at all times thereafter.

Reason: In order to protect the amenity of the neighbouring occupiers and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011 – 2029;

(8) the proposed development shall be carried out in accordance with the 'Lighting Impact Assessment", (MEC Consulting Group Ltd,

No.	Conditions
	Report ref:29834-LIGH-0401 REV B) and the details contained therein and shall be retained and maintained at all times thereafter. **Reason:** In order to protect the amenity of the neighbouring occupiers and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011 - 2029;
(9)	the padel courts hereby permitted shall not be used before 0800 hours or after 2200 hours on any day. **Reason:** To ensure that the site is not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and The floodlighting hereby permitted shall only be illuminated when the padel courts are in use. **Reason:** to ensure that the site is not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

11. W/25/1764 - Woodlands, Preston Road, Lowsonford

The Committee considered an application from Mr Seager for the demolition of the existing dwellinghouse and onsite outbuildings, and for the erection of a self-build dwellinghouse and outbuilding.

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

The officer was of the opinion that at the time of writing the report, the Council was not able to demonstrate a Five-Year Housing Land Supply. As such, paragraph 11(d) of the NPPF was engaged for the purpose of decision making.

Planning permission was sought for a self-build dwelling following the demolition of an existing dwelling. The proposal was considered to constitute appropriate development in the Green Belt and was in accordance with the NPPF and Local Plan Policies H13 and DS18. In addition, the proposals were not considered to have a harmful impact upon the amenity of neighbouring properties in relation to outlook and amenity.

When considering the scheme as a whole within the tilted balance, officers considered that the proposal would not result in adverse impacts that would

significantly or demonstrably outweigh the benefits associated with the proposal. The development was considered to represent a sustainable form of development, and it was recommended that planning permission should be granted.

An addendum circulated prior to the meeting advised Members of an update to Condition 7, to comply with the Water Efficiency Scheme issued on 10 April 2026.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Gifford and seconded by Councillor Aizlewood that the application should be granted, subject to the amended Condition 7 outlined in the Addendum.

Resolved that W/25/1764 be **granted**, subject to the following conditions:

No.	**Conditions**
(1)	the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
(2)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1439.05K, 1439.06K, 1439.07L, 1439.08K, 1439.09K, 1439.10J, 1439.11F, 1439.12E, and specification contained therein, submitted on 16th February 2026. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(3)	the dwelling(s) hereby permitted shall consist exclusively of dwelling(s) which are self-build or custom house building as defined in Section 1 (A1) of the Self-build and Custom Housebuilding Act 2015, (i.e. building or completion by- (a) individuals, (b) associations of individuals, or (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals, but not including the building of a house on a plot acquired from a person who builds the house

No. Conditions

wholly or mainly to plans or specifications decided or offered by that person).

The development hereby permitted shall not commence unless and until the name(s) of the individual(s) by whom the dwelling(s) is to be occupied as their principal residence has/have been provided in writing to the Local Planning Authority. Within 14 days of first entering into occupation of the dwelling(s), the first occupier shall notify the Local Planning Authority in writing of the date when they entered into occupation. For a period of three years starting on the date when the dwelling is first occupied, the dwelling shall only be occupied by the individual(s) so notified to the Council and their dependants and co-habitees, as a self-build/custom build dwelling in accordance with Section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

Reason: Exemption from 10% Biodiversity Net Gain has been obtained because the dwelling(s) has been proposed as self-build/custom housebuilding;

(4) no site clearance, site preparation or site investigation works shall commence, or plant or machinery or materials shall be delivered to site until the tree protection measures set out in the submitted Arboricultural Impact Assessment dated 04th December 2025, produced by Tree Frontiers, has been implemented in full. The protective fencing shall be retained until the completion of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

(5) the development shall only commence in line with the mitigation and enhancement measures set out in the Ecological Appraisal produced by Learn Ecology, dated December 2025.

No. Conditions

Reason: To mitigate ecological impacts, in accordance with the NPPF, ODPM Circular 2005/06 and Policies NE2 and NE3 of the Warwick District Local Plan;

(6) the development hereby permitted shall be carried out in strict accordance with the mitigation measures set out in the Phase 1 Bat & Nesting Bird Survey produced by Ridgeway Ecology, dated 26th August 2025. **Reason:** To mitigate ecological impacts, in accordance with the NPPF, ODPM Circular 2005/06 and Policies NE2 and NE3 of the Warwick District Local Plan;

(7) the development hereby permitted shall not be first occupied until the works within the approved eater efficiency scheme submitted to the Local Planning Authority on 10th April 2026 scheme has been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029; and

(8) the development hereby permitted shall be carried out in strict accordance with the details set out in the Energy Statement submitted to the Local Planning Authority on 28th January 2026.

Reason: To satisfy the requirements Policies CC1, CC3 and FW3 of the Warwick District Local Plan (2011-2029) and Policies NZC1, NZC2 (A, B and C) of the Warwick District Net Zero Carbon Development Plan Document (DPD).

12. **W/26/0158- Tesco Supermarket, Emscote Road, Warwick**

The Committee considered an application from McDonald's Restaurants Limited for the removal of Conditions 16 and 18 of planning permission ref: W/18/1489 (Erection of a detached two storey restaurant with car parking, landscaping and associated works; Installation of two customer order displays with associated canopies) to remove operational time restrictions

enabling the McDonald's restaurant to operate 24 hours a day, following grant of temporary removal of these conditions under planning permission ref: W/24/1126.

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

The officer was of the opinion that, having regard to all the considerations mentioned in the report, that planning permission should be granted.

An addendum circulated prior to the meeting advised of a further public representation having been received.

It also informed Members that Condition 17 referred to a Noise Management Plan and Antisocial Behaviour Guidance included within the Noise Impact Assessment that was submitted under previous application W/24/1126. This had been re-submitted under this application, and the condition had been updated accordingly. The condition now read as follows:

The development hereby permitted must operate in strict accordance with the Noise Management Plan and Antisocial Behaviour Guidance included within the Noise Impact Assessment, submitted to the Local Planning Authority on 19/05/2026.

Reason: *To ensure that the levels of nuisance, disturbance and levels of noise emanating from the building, is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.*

Following consideration of the report, presentation, and information contained in the addendum, it was proposed by Councillor Phillips and seconded by Councillor Kennedy that the application be approved, subject to the amendment to Condition 17, outlined in the Addendum.

Resolved that W/26/0158 be **granted**, subject to following conditions:

No.	Conditions
(1)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7159-SA-8469-P005 A, 7159-SA-8469-P006 A, COD DT Canopy, McD / 043 /2013 A, MCD / SCH / 1001, and documents "Terrace Equipment", "Fast Electric Charging Points", "Pod Point Datasheets", "Pod Point Installation Guide" and "GPK Kiosks and Enclosures", submitted on 3rd August 2018, drawings Condenser Plans and Elevations, 10551 R5, A1-11667-01 submitted on 7th September 2018, and drawings 7159-SA-8469-P002 E, 7159-SA-8469-P007 E, 7159-SA-8469-P004 G submitted on 21st

No. Conditions

November 2018 and specification contained therein.

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

(2) the development shall be carried out in strict accordance with the approved details within the FRA McDonald's Warwick (NB8469) _Glanville Issue 2_August 2018 and approved proposed drainage layout.

Reason: To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with policies FW1, NE2 and BE3 of Warwick District Local Plan 2011 – 2029;

(3) the development hereby permitted shall only commence in line with the approved Construction Method Statement.

Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;

(4) the development shall be carried out in strict accordance with the approved details within the Proposed Stats Location Requirement.

Reason: In the interests of fire safety;

(5) the development shall be carried out in strict accordance with the approved details within the Drainage Maintenance Plan that were approved under Condition 6 of planning permission no. W/18/1489. The Plan shall be implemented and adhered to at all times.

Reason: To ensure the future maintenance of the sustainable drainage structures in the interest of policy FW2 of Warwick District Local Plan 2011 – 2029;

(6) the development shall be carried out in strict accordance with the approved details within the following drawings and reports:

No. Conditions

- 3117-101 Rev C – General Arrangement
- 3117-103 Rev C – Signage and Whitelining
- 3117-102 Rev A – Site Clearance & Construction Types
- 3117-110 Rev B – Standard Details (Sheet 1 of 2)
- 3117-111 – Standard Details (Sheet 2 of 2)
- SL400/1 – Electrical Terminations (DNO Suppliers)
- SL200/5 – Pedestrian Crossing Posts, Beacons and Overhead Lights
- 15095 – Road Safety Audit Stage 2
- ADL/CT/3117/30A – Designer's Response Report [MM11.1]
- Section 278 Agreement

that were approved under Condition 7 of planning permission no. W/18/1489.

Reason: In the interests of pedestrian and highway safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029;

(7) the development shall be carried out in strict accordance with the approved details within the following:

- 7159-SA-8469-P005A – Proposed Elevations Section
- A1 – Natural Stone
- A2 – Trespa Meteon – Italian Walnut
- A3 – Dark Grey Engineering Brick
- A4 – Trespa Meteon – Anthracite Grey
- A7 – Reynobond Aluminium – Pure White
- A8 – Vertical Aluminium Timber Effect Battens
- A11/A15 – Reynobond Aluminium – Walnut Brown
- A13/A14 – Reynobond Aluminium – Anthracite Grey

that were approved under Condition 8 of planning permission no. W/18/1489.
Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

No. Conditions

(8) the development shall be carried out in strict accordance with the approved details within the Odour Control Assessment that was approved under Condition 9 of planning permission no. W/18/1489. Any mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

(9) the development shall be carried out in strict accordance with approved low emission strategy, Ref 400/4766, dated 15th October 2018 under Condition 10 of planning permission no. W/18/1489.

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

(10) noise arising from the any plant or equipment hereby 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 Policy BE3 of the Warwick District Local Plan 2011-2029;

(11) in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation strategy must be submitted to and approved in writing by the

No. Conditions

local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

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

(12) the development hereby permitted shall not be brought into use unless and until improvements to the existing central splitter island have been carried out in general accordance with drawing number 3117-SK-15, submitted on 26th November 2018 and to the specification of the Local Highway Authority.

Reason: In the interests of traffic safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029;

(13) the development site shall only be serviced in accordance with the Delivery and Servicing Management Plan, November 2018, prepared by ADL Traffic & Highways Engineering Ltd.

Reason: In the interests of traffic and pedestrian safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029;

(14) the development hereby permitted shall not be brought into use unless and until improvements to the existing mini-roundabout have been carried out in accordance with drawing number 3117-SK-22A.

Reason: In the interests of traffic safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029; and

(15) prior to the development hereby permitted being brought into use, the parking layout serving the existing Tesco Superstore must be amended to accommodate 5% disabled parking and retained as such thereafter.

Reason: To ensure that the development has taken account the needs of people with disabilities in accordance with policies TR1 and TR3 of the Warwick District Local Plan 2011 – 2029;

No.	Conditions
(16)	the CCTV system and all external lighting of the car park shall be fully functional and switched on at all times that the premises are open to customers. **Reason:** To ensure that the levels of nuisance, disturbance and noise is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and
(17)	the development hereby permitted must operate in strict accordance with the Noise Management Plan and Antisocial Behaviour Guidance included within the Noise Impact Assessment, submitted to the Local Planning Authority on 19/05/2026. **Reason:** To ensure that the levels of nuisance, disturbance and levels of noise emanating from the building, is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

13. **Enforcement Report**

Members received the Enforcement Report from officers, which outlined the current enforcement matters in progress. The purpose of the report was to ensure Members remained informed about ongoing enforcement activity.

Resolved that the report be noted.

14. **Appeal Report**

The Appeals Report was noted.

(The meeting ended at 7.45pm.)

CHAIR
16 June 2026

Planning Committee: 16 June 2026 **Item Number:** 4

Application No: W 25 / 1717

Registration Date: 15/12/25
Town/Parish Council: Kenilworth **Expiry Date:** 16/03/26
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Former Kenilworth School, Leyes Lane, Kenilworth, CV8 2DA
Hybrid planning application comprising:

Full planning application for demolition of all buildings situated on the former Kenilworth Secondary School site, including artificial pitch and associated infrastructure

Outline planning application with all matters reserved apart from access for the redevelopment of the site for up to 224 homes (40% affordable), up to 75 bed extra care for the elderly, public open space and associated infrastructure FOR Homes England

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

RECOMMENDATION

As this is a hybrid application, Planning Committee is recommended to grant full planning permission for the demolition of the existing buildings within the site and to grant outline planning permission for the residential development, subject to the conditions listed at the end of this report and a Section 106 agreement to secure the necessary financial contributions/ obligations as set out in the report.

Planning Committee is also recommended to delegate authority to the Head of Place, Arts and Economy in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test together with alterations to the final list of conditions.

Should a satisfactory Section 106 agreement not have been completed within 4 months from the date of the committee meeting and, in the opinion of Officers, there is no ongoing progress towards the satisfactory completion of the Section 106 agreement, Planning Committee is recommended to delegate authority to the Head of Place, Arts and Economy to refuse planning permission on grounds that the proposal makes inadequate provision in respect of the issues subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is a hybrid application consisting of a full application for the demolition of all existing buildings on the site and an outline application with all matters reserved

(except for access) for the erection of up to 224 dwellings and a 75-bed extra care facility together with all ancillary works.

THE SITE AND ITS LOCATION

The application site is the former Kenilworth School site on Leyes Lane in Kenilworth. The site is now redundant following the relocation and construction of the school to its new site on Glasshouse Lane. The site is allocated for housing within the current Local Plan as Allocation H09.

The site area extends to approximately 9.5 hectares and is made up of a range of redundant school buildings and associated hardstanding, together with the main playing field space to the rear of the site which includes an existing artificial playing pitch within the grassed playing field area.

The application site is not within a conservation area nor is it considered to be within the setting of any heritage assets.

There are no significant levels changes across the site.

To the north lies Leyes Lane which features a range of residential properties fronting onto the site together with an existing local centre that sits to the northeastern boundary of the site that offers a range of local facilities. Leyes Lane also contains existing bus stops in close proximity to the site.

To the east, south and west, the site is flanked by existing residential development that abuts the site with predominantly back gardens facing the site boundary but there are instance of other relationships, especially to the east where a number of properties are side-on to the application site.

PLANNING HISTORY

W/25/1708 - Prior Approval Notification under Part 11, Class B of the GPDO 2015 for the demolition of Kenilworth School, Leyes Lane, Kenilworth, CV8 2DA **–** Approved, 08.01.2026.

RELEVANT POLICIES

- National Planning Policy Framework
- Kenilworth Neighbourhood Plan (2017-2029)
- KP4 - Land East of Kenilworth
- KP8 -Traffic
- KP9 - Cycle Routes
- KP11 - Footpaths
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP15 - Environmental Standards of New Buildings
- KP16 - Industrial Estates
- KP18 - Green Infrastructure
- KP19 - Local green space
- KP20 - Street trees

- KP21 - Flooding
- Warwick District Local Plan (2011-2029)
- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- H15 - Custom and Self-Build Housing Provision
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability
- Guidance Documents
- Affordable Housing (Supplementary Planning Document - June 2020)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Public Open Space (Supplementary Planning Document - April 2019)
- Parking Standards Supplementary Planning Document (June 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)

- Kenilworth Design Advice (Shops, Warwick Road area)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Whilst having no reason to object, Members regret the delay in bringing forward plans for this site. This Committee recognises the need for this site, as allocated in the Local Plan, to be developed with appropriate mitigations.

Members commented as follows:

- There needs to be appropriate service provisions accessible to residents from this and nearby residential sites.
- Members support the comments from the South Warwickshire NHS Trust concerning the need for an appropriate section 106 agreement to include provision for NHS services.
- It is necessary that all disturbance to local residents is minimised during the demolition and construction phase. This should include limiting noise, dust and traffic movements as well as protection of the natural habitat. An appropriate Construction Management Plan will need to be produced. In addition:
    1. The site is in close proximity to a primary and secondary school. Members request a condition be applied that lorry and wagon movements are restricted to avoid school access times.
    2. Members request that a direct single point of contact is made available to all nearby properties during the demolition and construction phase, along with a regular newsletter advising of progress of the project.
    3. Members would like assurance of the status of the layout of the site. This includes confirmation that there will be a further opportunity to consider a detailed development application for this site including it's layout.
    4. Members would like to support an approach to achieving the best possible energy efficiency within the properties.

WDC Conservation Officer: No objection, no designated heritage assets are considered to be impacted by the proposals.

WDC Environmental Protection Officer: No objection, subject to conditions on land contamination, Construction Management Plan, air quality mitigation and noise mitigation.

WDC Housing Strategy: No objection. The level of affordable housing provision is acceptable at 40% on the 224 dwellings. An affordable housing mix that includes rented, and shared ownership would be acceptable. The 75-unit extra-care element is a welcome form of specialist provision to meet the demographic trend for an older population and their housing needs. Support of a scheme would be subject to:

- Confirmation of a detailed housing mix that meets the Housing SPD 2020, and the most recent housing need evidence requirements;

- Securing the proposed tenure split and affordable housing quantum through a Section 106 agreement;
- Confirmation that all homes meet NDSS;
- Further consideration of accessible and adaptable housing provision; and
- Ongoing engagement with a Registered Provider to ensure effective delivery.

WDC Sports and Leisure: Request Section 106 contribution of £495,436 to mitigate increased demand for sports facilities as a direct result of this development.

WCC Arboriculture: Satisfied with reports submitted. Raise some concerns regards tree losses and impact on TPO trees. Recommend further information submitted through detailed soft landscaping plans.

WCC Archaeology: Following receipt of Written Scheme of Investigation (WSI) and results of trial trenching across the site, satisfied that no further archaeological work is necessary.

WCC Ecology: No objection subject to mandatory net gain in biodiversity being secured. Recommend conditions to secure adequate mitigation measures for protected and notable species.

WCC Flood Risk Management: No objection, subject to requested drainage conditions.

WCC Highways: No objection, subject to requested conditions and Section 106 Contribution of £2,292,294.82 to mitigate for the impact of increased traffic movements as a result of this development.

WCC Infrastructure: Request Section 106 contributions totalling £4,096,577.83 to mitigate increased demand for education, libraries, public rights of way and for use for road safety education as a direct result of this development.

WCC Landscape: Having reviewed the associated documentation, I can see that the Site is allocated for housing in Policy DS11 of the Local Plan as an Urban Brownfield Site (H09). I have the following observations about the proposals:
While in general, I can see that the land use parameter plan has evolved to allow for the retention of trees, there are a couple of occasions where the extent of built form (including buildings, attenuation ponds and allotments) would appear to be within the root protection area of Category A and Category B trees. Examples include, the far southern edge of the site, the area of proposed allotment to the east and along the northern site boundary where there appears to be a clash between the attenuation pond and the mature Oak/Horse Chestnut trees . In order to protect these valuable trees and ensure that they continue to contribute positively to the local landscape, I propose that the land use parameter plan is revisited, to avoid incursions into the RPA. There are currently no landscape design details provided (for either hard or soft landscape). As such, should WDC be minded to approve this application, we would hope to see an appropriately worded landscape condition, requiring that these be provided.

Active Travel England: No specific comments, refer to Standing Advice.

NHS Coventry and Warwickshire ICB: Request Section 106 contribution of £419,777 to mitigate increased demand for Doctors surgeries as a direct result of this development.

South Warwickshire University NHS Trust: Request Section 106 contribution of £449,427 to mitigate increased demand for NHS Hospital Services as a direct result of this development.

Sport England: No objection.
Warwickshire Fire and Rescue: No objection, subject to fire hydrant condition.

Warwickshire Police Design Officer: I strongly recommend that any residential accommodation is built to the standards laid out in the Secured by Design `Homes 2025 Guide`. It is important that 'Secured by Design' is achieved, not just some of the principles embedded into the design.

Warwickshire Police Assets Manager: Request Section 106 contribution of £80,108.32 to mitigate increased demand for Police services as a direct result of this development.

Public Response: 69 objections received raising the following issues;

- Traffic is already a major issue and additional homes with new access will make it worse.
- Site access and crossing points are inadequate.
- Lack of local infrastructure to support new homes.
- No assessment of site for potential re-purposing of existing buildings.
- Will have a detrimental impact on neighbouring properties as a result of overlooking, overshadowing and loss of light.
- Care home facility is in the wrong place on the site.
- Care home facility will be imposing and overbearing to existing residents.
- Care home facility should be restricted to two storey.
- Will have a detrimental impact on local character.
  Plans are too radical for the area.
- Playing field has flooded in the past and this may present issues for the new occupiers.
- Drainage strategy is inadequate.
- Drainage pond threatens the longevity of mature trees.
- Transport Statement does not take into account the increased traffic of new developments.
- Contrary to H5 as medical facilities are not within a reasonable distance of the site.
- No guarantee that affordable housing will be delivered.
- Significant concerns over the safety of demolition works and the impact on local residents.
- Air Quality will be negatively affected by demolition works.
- Increased noise disturbance to existing properties.
- No guarantee trees and hedges will be protected.
- Harm to wildlife and biodiversity including protected species.
- Insufficient information that homes will meet net zero standard.
- Development should be built to Passivhaus standards.
- Lack of sufficient detail on waste and recycling.

- Does not achieve Secured By Design standards.
- Use of northern land for recreation whilst being a bat commuting corridor is contradictory.
- Reliance of reactive approach to health care infrastructure.
- Level of housing exceeds Local Plan allocation.
- Inappropriate massing to achieve housing numbers.
- Require smaller properties that young people can afford.

- Require revisions to layout to make scheme more suitable for the site.

ASSESSMENT

Principle of Development

Paragraph 38 of the National Planning Policy Framework (NPPF) states that Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Five Year Housing Land Supply and the 'tilted balance'

The Council is unable to demonstrate the requisite housing land supply, with 1.96 years. In such circumstances, paragraph 11(d) of the NPPF indicates that the development plan policies which are most important for determining the application should be considered out-of-date and planning permission should be granted unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 11(d)(ii) is applicable to the proposal. This requires a balanced planning assessment, with particular regard to be paid to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Given the Council's position on its five-year housing land supply, the 'tilted balance' is deemed to be engaged.

Although being 'out-of-date' provides a reason to depart from a policy, it does not of itself mean that the policy should be disregarded outright. The weight to be given to the policies of the Development Plan that are most relevant to the proposal is dependent on their degree of consistency with the Framework.

Local Plan

Strategic Policy DS5 sets out the presumption in favour of sustainable development. It states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise, taking into account
whether:

i. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or

ii. Specific policies in that Framework indicate that development should be restricted.

As the Local Planning Authority is unable to demonstrate a 5 year supply of deliverable housing, the presumption in favour of development is engaged and the tilted balance is relevant to housing proposals.

The application site is identified as a site appropriate for housing within the current Local Plan as Allocation H09.

Policy DS11 sets out the allocations of housing development and gives an overall figure for each of the allocated sites. The overall allocation for new dwellings on the H09 Allocation within the Local Plan identified an estimated 250 dwellings.

This outline application is for up to 224 dwellings, together with an up to 75 bed care facility, giving a total of up to 299 potential residential units on the site. Officers note that the care facility would result in a smaller land take than 75 individual dwellings and having assessed the site, consider that the total quantum of development would not be an overdevelopment of the site.

Demolition of existing buildings

The proposal includes the complete demolition of all buildings across the site.

In considering this proposal, Officers note that the buildings can be lawfully demolished following the granting of a Prior Approval for the demolition of the buildings under application reference W/25/1708.

The prior approval regulations are set out within the Town and Country Planning (General Permitted Development) (England) Order 2015. This allows for the demolition of buildings, subject to an assessment of the stipulations set out within the appropriate part. In the case of demolition, the only considerations that can be assessed are.

- whether the building has been rendered unsafe by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support.

- whether the demolition is "relevant demolition" for the purposes of section 196D of the Act.
- whether the building is used, or was last used, for a purpose falling within (i) article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or (ii) article 3(6)(q) (drinking establishments with expanded food provision) of that Order.
- whether the building is used, or was last used, for the purpose of a concert hall; a venue for live music performance; or a theatre; or
- the demolition relates to a statue, memorial or monument ("a commemorative structure") in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure that is a listed building, a scheduled monument, within a cemetery, on consecrated land, within the curtilage of a place of public worship, within the grounds of a museum or art gallery, or is within the curtilage of a dwelling.

As the proposed demolition complied with the above criteria, there were no grounds to resist the demolition proposal, and the Prior Approval was granted.

Taking the above into consideration, Officers consider that there are no grounds to resist the demolition works.

It is also noted by Officers that there was a wider desire to discuss the potential to retain and convert the buildings into alternative uses rather than demolish them. However, there is no legal requirement to consider this as part of the demolition process. As the site is allocated for residential development, the demolition of the buildings to make way for new housing is considered acceptable in principle.

Overall, Officers consider that the demolition of the existing building would not be a block on any development of the site and there would be no reasonable grounds to resist the application on that basis.

Conclusion on Matters of Principle

In summary, this proposal is an outline application for 224 dwellings and a 75-bed care facility on a site allocated for residential development within the Local Plan which falls within the allocation as set out within H09 of 250 dwellings.

In the case of this site, the scheme has demonstrated that the quantum of development can be comfortably accommodated within the application site and achieve a very high level of quality together with a level of public and other open space that meet the required thresholds for a scheme of this scale.

In light of the tilted balance, Officers do not consider that there are any exceptional circumstances that would outweigh the acceptability of this proposed development.

The proposal is therefore considered to be acceptable in principle having regard to Policies H1 and DS11 of the Local Plan.

Assessment of Proposed Housing Provision

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations.

In accordance with these requirements, all development must accord with the Strategic Housing Market Assessment for Warwick District that requires a mix of housing sizes of 1, 2, 3 and 4+ bedroomed dwellings based upon the market assessment for the area.

The applicant has confirmed that a comprehensive mix of unit types will be proposed ranging from one bedroomed to four+ bedroomed houses, which can be controlled by a suitably worded condition to ensure that this is followed at reserved matters stage.
In addition to the 224 dwellings, the proposal includes an extra care facility for up to 75 units. This further contributes to the mix of housing options available on the site and provides a choice of accommodation for the elderly or those with alternative housing needs.

An affordable housing allocation of 40% will be incorporated into the design of the dwellings and these dwellings will be integrated across the site to ensure tenure blindness. This element would be assessed at reserved matters stage.

The affordable housing will be secured by a Section 106 agreement to accord with Policy SC11.

Design and Impact on Visual Amenity and the Character of the Surrounding Area

Section 12 of the NPPF places significant emphasis on the creation of high quality, beautiful and sustainable buildings and places. Paragraph 131 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 139 states that permission should be refused for development that is not well designed and that fails to take into account local design guidance and supplementary planning documents. This paragraph also states that significant weight should be given to development which reflects local design guidance and policies and government guidance on design and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

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

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

Kenilworth Neighbourhood Development Plan sets out general design principles under Policy KP13 and also has specific detailed requirements for the former school site at KP5. Both policies require high levels of design and open space facilities that are accessible to existing and future residents. KP13 requires development to provide a positive response to the surroundings in terms of layout, density, scale, proportions, massing, orientation, detailing, materials and landscape.

The application is currently in outline form, so the detail of the proposal is limited. However, as part of the submission, an indicative Masterplan has been submitted to demonstrate that a high-quality scheme can be provided on the site to meet the aspirations of the Design Guide as well as National Guidance within the NPPF. The Indicative Masterplan sets out the scheme that incorporates the 224 dwellings and care facility as well as all open space requirements to the level that meet the required standards for a scheme of this scale.

The site is currently a former school site with the existing vacant school buildings still in situ. Consent has been granted for the demolition and clearance of the site.

In terms of boundaries, the proposal seeks to maintain the hedgerows and trees around the perimeter of the site so that the existing relationship with adjacent properties is retained. As the site is bounded by existing development on three sides, no encroachment is proposed through any of the existing boundaries to provide access, thus preventing any losses of these boundaries.

Access is to be provided from the existing access points serving the site which are to be modified to meet the standards of vehicular traffic to serve a development of this scale.

The indicative Masterplan demonstrates that the scheme is generally in compliance with the Garden Suburbs guidance document through the provision of a primary road through the site which is constructed to the required specification of the County Highways Authority that is flanked by grass verges with tree planting together with associated footway. The tree lined avenue continues in a circuitous route through the development with a hierarchy of roads that naturally link from this primary access route to serve the properties.

A central spine of Public Open Space through the site is identified together with a large area of open space to the northern area of the site that contains a proposed play area and surface water attenuation features. The result is that the built form is set back from the northern boundary with Leyes Lane behind the open space areas. The added benefit of this is that the main area of open space is accessible to all residents, both new and existing so offers a wider community benefit to the local area.

Additionally, an area of allotments is identified to the eastern boundary of the site with additional community orchard space.

The application has been submitted with a Design and Access Statement that sets out a range of design principles for the new development. These design features form a solid basis for the design rationale across the site in order to deliver a high-quality development and Officers consider that this detail can be expanded upon through the imposition of a condition requiring the submission of a detailed Design Code to inform the developments coming forward under the reserved matters submissions. This is also appropriate as it will set the framework for the future phase(s) of development as they come forward.

Subject to the imposition of conditions, Officers are satisfied that the scheme will result in a development of very high design standards.

Impact on Adjacent Properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.
Policy KP13 of the Kenilworth Neighbourhood Development Plan requires new development to ensure that impact on residential amenity is assessed and addressed.

In terms of the impact of the demolition works, this will be controlled by a Construction Management Plan and Demolition Method Statement to ensure that all demolition works are carried out with minimal disruption to the amenity of neighbouring residents.

Concern has been raised regarding the potential for hazardous materials to be released through the demolition process. Officers can advise that if the demolition works involved any hazardous materials it would be covered by legislation outside of the planning regime, but all measures will be incorporated into the above statements to ensure compliance.

The site currently has the built form focussed to the front area of the site with the open playing fields to the rear. The proposed residential development will introduce housing onto the currently open land and as such the relationship the neighbouring properties currently have will be changed as a result of the development.

The majority of properties have their rear boundaries facing the application site and so have the existing rear gardens immediately adjacent to the boundary.

The proposed care facility is to the north-eastern corner of the site. Concern has been raised by local residents of the potential impact of this building on the amenity of existing residents of The Wardens. Whilst it is noted that the building is located in fairly close proximity to these properties, it is noted that this is only an illustrative layout of the site and the final layout would be subject to a separate approval where the impact will be assessed in detail.

In general terms, the overall scale of development can adequately be achieved on site without resulting in significant demonstrable harm to the amenity of neighbours and Officers consider that the scheme is acceptable having regard to Policy BE3 of the Local Plan and the Policies of the Kenilworth Neighbourhood Development Plan.

Amenity of Future Occupiers

Policy BE3 of the Warwick District Local Plan states that new development that does not provide acceptable standards of amenity for future occupiers of a development will not be permitted.

Policy KP13 of the Kenilworth Neighbourhood Development Plan requires new development to ensure that impact on residential amenity is assessed and addressed.

As this is an outline application, the exact layout of the scheme is not being considered under this application. The illustrative masterplan submitted demonstrates how the development could be laid out to provide the 224 dwellings and this demonstrates that the proposed dwelling are able to achieve the requisite separation distances set out within the Residential Design Guide SPD. The plots as identified on the illustrative masterplan also demonstrate that separation distances between plots can also be achieved for the new housing to meet the SPD requirements.

All properties will benefit from the required standard of amenity space and this will be re-assessed at Reserved Matters stage.

Based upon the information available, Officers are satisfied that the scheme would provide appropriate levels of amenity for future occupiers and consider that the scheme accords with Policy BE3 of the Local Plan and the Policies of the Kenilworth Neighbourhood Development Plan.

Parking & Highway Safety

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

Section 9 of the NPPF seeks to promote sustainable transport and sets out a range of requirements for new development to ensure that impacts on existing transport networks can be addressed and that opportunities for the promotion of walking, cycling and public transport use are identified and pursued.
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Within Section 9, Paragraph 114 of the NPPF states that in assessing applications for development it should be demonstrated that safe and suitable access to the site can be achieved for all users and impact on the highway network or highway safety can be cost effectively mitigated to an acceptable degree.

Additionally, Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy KP8 Kenilworth Neighbourhood Development Plan requires new development to give priority to pedestrians and cyclists and improve safety and traffic flow whilst accommodating the needs of public transport. Policies KP9 and KP11 seek to ensure that new developments improve connectivity of footpaths and cycle paths to the wider town area. In addition, Policy KP12 requires new development to meet or exceed the Parking Standards SPD.

Since the initial submission additional information has been provided, including modelling, to allow for a further review into the development impacts.

As the proposal seeks full permission for the access, this element has been assessed by the County Highways Officer. Following an initial review, the Highways Officer sought minor revisions to the access together with a Stage 1 Road Safety Audit (RSA). The plans and associated audit have been reviewed by the Road Safety team of Warwickshire County Highways. Whilst the RSA identified a number of problems, these are considered to relate to elements that will be addressed at the detailed design stage and will be further assessed as part of the s.278 process. The site access points are considered acceptable and would not result in any harm to highway safety.

Within the site, it is noted that this is an outline application and therefore the final design is not yet known. However, no issues were identified with the illustrative masterplan, and Officers are satisfied that an acceptable internal layout can be achieved within the site utilising the two proposed access points forming a loop around the site.

In terms of car parking, all dwellings should achieve the required parking standards together with informal arrangements across the site to provide visitor parking. These matters are assessed at reserved matters stage, but Officers are satisfied that the form of development that meets the required standards can be achieved within the application site.

In terms of wider impact mitigation, this site forms an allocation in the current Local Plan and so was assessed as part of the Local Plan development and mitigation identified. The modelling confirms that the mitigation identified within the Local Plan is sufficient to mitigate the development impacts and therefore, as with all sites within Kenilworth, a S106 contribution will be required towards the Kenilworth Infrastructure Delivery Plan, which includes measures to increase capacity on the highway and improve connectivity through walking, cycling and wheeling.

In addition to the housing, the development also includes for an extra 75 bed care facility which would also generate a level of pedestrian, cycle and vehicle trips, although less than the 'standard' dwellings. A contribution is also sought for these units in addition to the dwellings.

Footway/ cycleway improvements are proposed to Leyes Lane to be delivered via a s.278 agreement. This route is identified in WCC's LCWIP and also forms part of

the Kenilworth IDP that informed the costings discussed above. Therefore, as the cost of this scheme is already included within the figures above, it is necessary to include in the wording of the s.106 agreement a reduction to the total figure being provided through financial contributions to avoid 'double counting' the scheme to the extent that the scheme is to be delivered directly by the eventual developer of the site.

Subject to the requested conditions and s.106 contributions, the scheme is considered to be acceptable having regard to Policies TR1 and TR3 of the Local Plan and the Policies of the Kenilworth Neighbourhood Development Plan and the Parking Standards SPD.

Impact on Protected Species

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

Paragraph 186 of the NPPF States that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The application site is in an urban location and dominated by habitats of limited ecological interest, which is not surprising for a school site. However, more notably from a wildlife perspective, there a wide range of trees, including five considered very large, a small, wooded area and a native hedgerow containing mature trees along Leyes Lane. The Illustrative Masterplan indicates these more notable habitats are likely to be largely retained.

The County Ecologist is satisfied that the site does not support any statutory or non-statutory wildlife sites and is content to conclude the proposed development is unlikely to impact, either directly or indirectly, any such sites in the wider Kenilworth area.
In terms of protected species, the survey work by Three Shires Ltd has confirmed the presence of small numbers of common pipistrelles roosting in three buildings, whilst the level of bat activity across the site during the survey work was low. The County Ecologist concurs with the content of the report.

A mitigation licence from Natural England will be required consenting to the loss of the roosts, and the final mitigation/compensation strategy can be provided with the reserved matters application.

The County Ecologist does not consider the development likely to have a significant impact on the foraging and commuting behaviour of local bat populations.

The urban location and the absence of certain key habitats rules out the presence of a range of other protected/notable species, but standard precautionary

mitigation measures will be required for badger, birds, hedgehog and invasive plant species.

Subject to imposition of the recommended conditions from the Ecologist, Officers consider that the proposal is acceptable having regard to Policy NE3 of the Local Plan and the Policies of the Kenilworth Neighbourhood Development Plan.

Impact on Biodiversity

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

Paragraph 186 of the NPPF States that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy KP18 of the Kenilworth Neighbourhood Development Plan requires new development within the vicinity of green infrastructure to respect the existing character, setting and purpose and to prevent any avoidable loss.

With only consent for demolition of the existing buildings and access being applied for in full, the final metric calculations will need to be left to the reserved matters application when the final layout is confirmed.

Notwithstanding the above, a draft Biodiversity Net Gain (BNG) assessment has been undertaken, and which demonstrates off-site habitat creation, specifically new tree planting, is likely to be required to satisfy the statutory requirement to deliver a 10% uplift to biodiversity.

As the proposal is subject to the mandatory requirement to deliver a minimum 10% net gain advisory wording is proposed to be included on the decision notice informing the applicant of the statutory requirements relating to BNG.

This will include the need to discharge the "deemed consent" general Biodiversity Gain condition prior to any works commencing through the submission of a Biodiversity Gain Plan.

Drainage

Policy FW2 of the Warwick District Local Plan states that all new major developments must incorporate SuDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan. There will be a presumption against underground storage of water, and it should support the delivery of green infrastructure. In addition, SuDS schemes must be located outside the floodplain; ideally this should be within the development site or close to the site as part of a master planned drainage scheme. Priority should be given to SuDS that incorporate green infrastructure, including green roofs, walls and rain gardens.

Policy KP21 of the Kenilworth Neighbourhood Development Plan requires all development to have regard to potential flood risk and ensure that proposals are in line with the Local Plan requirements on flood risk and drainage.

Although the site is in Flood Zone 1, a Flood Risk Assessment has been submitted with the application as the site exceeds 1 hectare in site area. Following negotiations regarding the form of drainage, the Lead Local Flood Authority has confirmed there is no objection to the development, subject to conditions requiring the development to be in accordance with the submitted drainage strategy to deal with surface water as well.

Subject to these conditions there is no objection from a drainage and flood risk point of view, and the development is therefore considered to be acceptable having regard to Policy FW2 of the Local Plan and the Policies of the Kenilworth Neighbourhood Development Plan.

Adapting to Climate Change

The NPPF makes various references to mitigating the impact of climate change in particular Para 8 of the NPPF states that mitigating and adapting to climate change, including moving to a low carbon economy forms part of the requirement of the environmental objective of achieving sustainable development.

In addition, Section 14 of the NPPF focuses on meeting the challenge of climate change and states that the planning system should support the transition to a low carbon future in a changing climate…" and "support renewable and low carbon energy and associated infrastructure"

WDC declared a climate emergency in 2019, and all applications are expected to demonstrate how they have been designed to minimise the impact on climate change through the use of sustainable measures.
Policy CC1 of the Local Plan states that all development is required to be designed to be resilient to, and to adapt to the future impacts of, climate change through the inclusion of adaptation measures such as;

a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1;
c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3;
d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2.

Applicants will be required to set out how the requirements of the policy have been complied with, including justification for why the above measures have not been incorporated.

In addition, Policy CC3 requires major allocated sites to consider the potential for the use of large-scale decentralised district heating networks.

Policy KP15 of the Kenilworth Neighbourhood Development Plan requires all new development to adopt higher environmental standards of building design and energy performance, such as Passivhaus or similar approach.

The applicants have provided an Energy and Sustainability Statement within their submission regarding energy saving matters that are proposed to be brought forward with any subsequent reserved matters applications and are committed to the delivery of a development that meets the Net Zero Carbon DPD requirements.

As this scheme is at the outline stage only, it is considered appropriate to require the submission of the detailed energy strategy together with a further detail of how the energy and sustainability matters secured through the conditions have been implemented through the use of an additional compliance condition. Further consideration of additional energy saving measures can also be carried out once the detailed layout has been determined to ensure that the final development helps to achieve the District Councils climate change objectives.

Subject to the required conditions, the proposal is considered acceptable.

The proposal is therefore considered to accord with Policy CC1, and Officers are also satisfied that the scheme coming forwards will achieve full compliance with the Net Zero Carbon DPD.

Impact on Local Services

The proposed development of 224 dwellings and the 75-bed care facility would create additional demand for local services and to mitigate this, contributions towards local infrastructure would be required.

Negotiations into the levels of contributions have been resolved to the satisfaction of the Local Planning Authority and works on the associated Section 106 Agreement are able to proceed.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 200 dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities, drainage, monitoring costs, and rights of way, employment/training for locals and highway matters.

It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore, it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified would be secured through an appropriate Section 106 legal agreement. At the current time, the following financial contribution requests have been received.

- Open Space Improvements £tbc
- Outdoor Sporting Contribution £28,933
- Indoor Sporting Contribution £214,536
- Grass Pitch Contribution £251,967
- Doctors Surgeries £417,000
- Hospitals £449,427
- Footpath Improvements £1,815.07
- Libraries £4,901.12
- Education £4,083,037.76
- Road Safety £11,200
- Local Highways Improvements £2,292,294.82
- Additional Policing Requirements £80,108.32
- Type 3 Air Quality Mitigation £53,370
- Habitat Management and Monitoring £27,541
- Monitoring (County) £tbc
- Monitoring (WDC) £tbc

The following requirements are also proposed for the Section 106 agreement.

- Affordable Housing (and Mix)
- SUDS Maintenance/Adoption
- Open Space Adoption
- Local Labour Agreement

Water Efficiency

Policy FW3 requires all new development to meet a water efficiency standard of 110 litres per person, per day to create a sustainable form of development that minimises water usage and waste.

Officers consider that this can be secured through an appropriately worded condition.

Air Quality

Policy NE5 of the Warwick District Local Plan requires development proposals to ensure that they do not give rise to increased air pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors.

In response to issues relating to the impact on Air Quality, the Council produced the Air Quality and Planning Supplementary Planning Document that was adopted in January 2019. The SPD sets out a range of measures that should be incorporated within development proposals to mitigate the impact on Air Quality as a result of the development

The application has been submitted with an Air Quality Assessment which has been assessed by Environmental Protection Officer who notes that the report outlines a set of construction mitigation measures required to minimise and mitigate dust at the site within Appendix A5. They have asked that these measures be included within the Construction Management Plan for the site, which Environmental Health have previously requested be submitted and conditioned.

Furthermore, in accordance with the Warwick District Council's air quality and planning SPD, the report has identified the development as a major scheme and therefore Type 1, 2, and 3 mitigation measures would be required. Type 3 mitigation measures include the calculation of damage costs, which have been calculated as £53,370.

The use of the damage costs should not be used for measures that may otherwise be required under other planning policies such as net zero unless the damages costs are used as a 'betterment' / 'top up' of these measures. On this basis, we would recommend that the calculated damage costs are secured by a Section 106 agreement to ensure the provision of Type 3 mitigation measures.

In addition to the above. a planning condition should also be included to secure the provision of Type 1 and Type 2 mitigation measures which should be in accordance with the Air Quality and Planning Supplementary Planning Document (January 2019) and thereafter, the approved scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority'.

Subject to the requested conditions and Section 106 Agreement, the development is considered acceptable having regard to Policy NE5 of the Local Plan.

Trees/ Hedgerows

Policy NE4 of the Warwick District Local Plan sets out that new development will be permitted that positively contributes to landscape character including addressing the importance of woodland and hedges and their contribution to landscape character. It requires development proposals to address the importance of habitat biodiversity features, including aged and veteran trees, woodland and hedges and their contribution to landscape character, where possible enhancing these features through means such as buffering and reconnecting fragmented areas.

Officers note that the existing planting is retained where possible and the highest category trees are retained to hedgerows have been retained within the site layout and incorporated into the scheme.

The retained features will provide a good level of mature planting within the site to soften the development from the initial stages whilst the significant amount of new planting proposed matures.

Where trees are to be lost, these have been assessed by the Council Arboricultural Officer who is satisfied that the losses are justified and is content with the significant amounts of new planting proposed to mitigate for any losses. The proposal will significantly increase the level of tree planting within the site, and this is to be welcomed from both an aesthetic view point as well as a biodiversity view point.

Conditions are proposed so that all retained trees are protected and the methodology for works in close proximity to retained trees are in accordance with the Arboricultural Report submitted with the application to ensure that the trees are protected during the course of the construction of the new development.

Standard conditions for replacement planting should any new planting fail are also proposed to ensure the comprehensive planting scheme is maintained at all times.

Archaeology

Policy HE4 of the Local Plan requires an appropriate evaluation of potential archaeological remains. Where a development has the potential to have an adverse effect on archaeological remains, mitigation would be required through an appropriate form of archaeological investigation.

The preliminary response from the County Archaeologist requested that additional archaeological investigation works were carried out. Following this request, the applicants carried out a programme of evaluative archaeological fieldwork comprising a geophysical survey and trial trenching across the site in accordance with an agreed Written Scheme of Investigation.

Following the site works, a report detailing the results of the fieldwork undertaken by WYAS Archaeological Services was submitted to the Planning Authority. This has been assessed by the County Archaeologist who has confirmed that the submitted report provides a satisfactory account of that fieldwork.

The objectives of the evaluation were to gather sufficient information to establish presence/absence, character, extent, state of preservation and date of any archaeological deposits within the area of proposed development.

The trial trenching included the excavation of fourteen trenches located to target anomalies identified by the earlier geophysical survey and areas of hard standing. The trenching confirmed the presence of post-medieval drainage ditches, land drains and an area of hard standing buried below the topsoil.

In considering the results from the evaluation the County Archaeologist is satisfied that the proposed development is unlikely to represent a significant archaeological impact. Consequently, the Archaeologist has advised that no further archaeological fieldwork will be required with respect to this scheme.

In light of the comments from the County Archaeologist, Officers are satisfied that the proposal is in accordance with Policy HE4 of the Local Plan.

Waste Storage

Policy BE3 of the Warwick District Local Plan requires development proposals to make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste separation and minimisation where appropriate) without adverse impact on the street scene, the local landscape or the amenities of neighbours.

As this is an outline application, final details of layout etc are not yet known. Therefore, a detailed assessment if the waste collection facilities cannot be undertaken. It will be for the reserved matters relating to layout to demonstrate that all properties meet the required standards for storage and collection of waste.

It is appropriate to attach a condition to require the relevant standards to be met.

Contaminated Land

Policy NE5 of the Warwick District Local Plan requires development proposals to ensure that, where evidence of contamination exists, the land is made fit for its intended purpose and does not pose an unacceptable risk to sensitive receptors;

Paragraph 180 of the NPPF seeks to ensure that planning decisions contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The application has been submitted with a Contaminated Land Assessment that has been assessed by the Environmental Protection Officer (EPO) who is satisfied with the survey work and agreed with the recommendations outlined in the report that states that some further investigation of the site and ground gas monitoring is required to ensure that any potential contamination present at the site will not impact upon site workers or future residents. A condition has been recommended to secure this additional monitoring work

The approach to the remediation strategy outlined within the Site Appraisal document is reasonable, and the EPO notes that there are additional works required, including a further 4 gas monitoring visits and has confirmed that they are happy to accept a technical addendum with the results of these visits and the updated findings, including any suggested mitigation measures. This can be secured as part of the conditions.

In addition to the on-site works, the applicants have provided a commitment to sampling of any imported soils and the EPO is happy with the sampling rate. Should small samples be imported; to verify the soil as 'clean', a minimum of 3 samples should be taken if the sampling regime does not meet this requirement. Additional sampling under the footprint of the existing buildings is also considered acceptable and the EPO has requested that at least one additional sample is taken from underneath the existing games court, as contamination has been identified under the existing hardstanding and there appears to be a gap within the current spread of sampling locations around the games court. Again, this can be controlled by condition.

Subject to the imposition of appropriate conditions, Officers are satisfied that the scheme is acceptable having regard to Policy NE5 of the Local Plan.

Conclusion

The application site is allocated within the Local Plan for residential development as part of allocation H09 which identifies approximately 250 dwellings for the site.

The indicative Masterplan demonstrates that the scheme retains existing green features and is capable of delivering a high-quality environment with accessible sustainable transport links to the surrounding areas together with areas of open space that meet the requirements set out within the Open Space SPD.

Technical Matters relating to highway safety and the mitigation of increased demand on the highway network have been satisfactorily addressed and these

works are to be secured through contributions within the Section 106 agreement. The site-specific matters can be controlled by planning condition.

All other technical matters have been considered acceptable and can be secured through the use of appropriate conditions.

For the above reasons, Officers recommend that outline planning permission be granted subject to the conditions listed and the signing of a Section 106 Agreement.

CONDITIONS

1 **Reserved Matters**

Details of the appearance, landscaping, layout and scale of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved.

REASON: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

2 **Submission of Reserved Matters Timescale**

Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

3 **Commencement of Development**

The development to which this permission relates shall begin within three years of the date of this permission 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).

4 **In Accordance with Plans**

The development hereby approved shall be carried out in accordance with the details shown on the following plans:

- Location Plan C6207-001_01 Rev-
- Land Use Parameters Plan C6207-003_01 Rev-
- Access Plan 110601-PEF-ZZ-XX-DR-TP-00001_S2-P01

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

5 **Construction Environmental Management Plan (CEMP)**

The development hereby permitted shall not commence on any phase of development until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for that phase of development. The CEMP shall be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition, the Local Planning Authority expect to see details concerning pre-commencement checks and monitoring for protected and notable species, and habitats as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife that are to be employed whilst works are taking place on site should be included. The CEMP shall include a timetable for the implementation of measures stated. 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 Policies NE2 and NE3 of the Warwick District Local Plan.

6 **Landscape and Ecological Management Plan (LEMP)**

No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of planting and maintenance of all new planting. Details of species used, and sourcing of plants should be included. The plan shall also include details of tree and hedgerow retention; habitat enhancement/creation measures and management, such as ponds, wildflower grasslands; and the provision of habitat for protected species. The LEMP shall also include details on soil management to make best use of the high-quality soils on site - detailed guidance to inform this matter is available in Defra 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'. Such approved measures shall thereafter be implemented in full.

REASON: To protect, enhance and/or restore habitat biodiversity in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029.

7 **Infrastructure Phasing Plan**

Prior to the commencement of development, a strategy for the phasing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The phasing strategy shall define: (a) the development to be delivered within each phase of the

development; (b) indicative timescales; and (c) details of the coordination of housing and infrastructure delivery, including triggers for delivery of infrastructure and the arrangements to prevent interruption of delivery across phase and phase boundaries to include the provision of the spine road, accesses, public open space including SUDS, allotment provision, and acoustic screening of the development. Thereafter, the development shall be carried out in strict accordance with the phases established in the phasing strategy as approved by the Local Planning Authority.

REASON: To ensure that the site is developed in a comprehensive manner in accordance with Policy DS15 of the Warwick District Local Plan 2011-2029.

8 **Demolition/Construction Method Statement**

No development or works of demolition shall commence on site until a Demolition Method Statement/Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:

1. the parking of vehicles of site operatives and visitors within the site;
2. turning and unloading and loading of vehicles, plant and materials within the site during construction,
3. storage of plant and materials used in constructing the development;
4. details of all temporary contractor's buildings, plant and storage of materials associated with the development process.
5. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
6. wheel washing facilities;
7. measures to control the emission of dust and dirt during construction;
8. a scheme for recycling/disposing of waste resulting from demolition and construction works;
9. details of measures for the control of noise during construction works;
10. details of construction Phasing, HGV Routing Plan and time restrictions on HGV access.
11. details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction,
12. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.

There shall be no burning of waste anywhere within the development site.

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction methods.

Reason: In the interests of highway safety and the free flow of traffic, minimising pollution and to protect the amenities of the occupiers of nearby properties, and the visual amenity of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

9 **Details of Boundary Treatments**

The development hereby permitted shall only be undertaken in strict accordance with details of boundary treatment design and materials, which have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted.

REASON: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.

10 **Tree Protection Scheme**

No phase 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 that phase 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 Trees in Relation to Design, Demolition and Construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the 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: To protect trees and other features on site during construction in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

11 **Details of External Lighting**

Prior to the commencement of the development, full details of all permanent lighting on the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with Warwickshire County Ecology. This should follow the Institute of Lighting Professionals' Guidance Note 01/20: Guidance notes for the reduction of obtrusive light.

The lighting shall be installed according to an approved plan which will need to be submitted by the applicant. The lighting should be maintained in perpetuity. In discharging this condition, the Local Planning Authority expects due consideration to be given to biodiversity.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in strict 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 and the strategic transport network in accordance with Policies TR1, BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029.

12 **Biodiversity Net Gain**

No development shall commence unless and until a scheme ("the scheme") to ensure that there is a net biodiversity gain as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include:

(a) Proposals for on-site mitigation (full details of which will be provided in relation to each phase of development in accordance with Condition 6 of these conditions)
(b) A management and monitoring plan.
The scheme shall be implemented in full accordance with the requirements of the scheme.

Thereafter, the development hereby permitted shall not commence, including any site clearance, until proof that the necessary offsite biodiversity units have been purchased and allocated to the development by a Biodiversity Gain Site on the Biodiversity Gain Sites Register, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure the development complies with statutory requirements relating to Biodiversity Net Gain as required under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

13 **Low Emission Strategy**

Prior to submission of any reserved matters application an appropriate scheme of Type 1 and 2 mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved details.

REASON: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policies NE5 and TR1 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2019.

14 **Bat Mitigation Measures - Demolition**

The physical demolition of the buildings hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include reasonable avoidance measures, timing of works, appointment of an Ecological Clerk of Works, procedure if protected species are found, ecologist supervision of destructive works including provision of at least 1 box prior to destructive works, toolbox talk, replacement roosting details for both void and crevice dwelling bats, to include type, location and timetable for installation, licence details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the County Planning Authority.

Thereafter, the approved mitigation measures shall be implemented in full and maintained in perpetuity.

Reason: To ensure that protected species are not harmed by the development in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

15 **Site Wide Drainage Strategy**

The development shall be built in accordance with the approved Flood Risk Assessment and Drainage Strategy (as detailed below) and in particular the following mitigation measures detailed:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus climate change) critical rainstorm to 96l/s.
2. Implementation of the proposed surface water drainage strategy including at minimum, attenuation basins and swales.

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 FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.

16 **Surface Water Drainage Scheme**

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

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rainstorm to the betterment runoff rate of 96l/s for the site in line with the Flood Risk Assessment (Rev P02 Dated 02.12.25).
2. Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991). Any correspondence should confirm acceptance of the proposed point of connection and discharge rate.
3. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design. Additional features identified as suitable for the site such as permeable paving, tree pits and rain gardens may be considered.
4. Provide detail drawings including cross sections, of proposed features such as attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:

    a) Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
    b) Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
    c) Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
    d) Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

6. Provide plans such as external levels plans, supporting the exceedance and overland flow routeing provided to date. Such overland flow routing should:

    a) Demonstrate how runoff will be directed through the development without exposing properties to flood risk.

b) Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
c) Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.

17 **Drainage Maintenance Plan**

No occupation and subsequent use of the development shall take place until a detailed, site-specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should:

1. Provide the name of the party responsible, including contact name, address, email address and phone number.
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how each surface water relevant feature shall be maintained and managed for the lifetime of the development.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

Reason To ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.

18 **Surface Water Drainage Verification Report**

No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (Rev P02 Dated 02.12.25) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any As-Built Drawings and accompanying photos.
3. Results of any performance testing undertaken as a part of the application process (if required / necessary).
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects.

Reason: To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy.

19 **Hydraulic Modelling**

Alongside submission of the reserved matters and prior to any demolition on site, hydraulic modelling of the site should be submitted to the LPA, in consultation with the LLFA. The hydraulic modelling should be revised where revisions to the site layout are made during detailed design to ensure the correct representation of the proposals. Such modelling should:

1. Represent overland flow paths such as the existing surface water flow path that runs across the site.
2. Demonstrate any impact the demolition of existing buildings may have on overland flow paths across the site, to ensure flood risk is not exacerbated.
3. Appropriately represent the post development scenario including proposed site levels, features and any other mitigation (such as raised finished floor levels) and intercepting measures, to support that raising levels on site will not adversely impact flood risk and on-site drainage is not overwhelmed by runoff from the site, or third party land.
4. Post-development modelling should also include the culverted watercourse, to demonstrate how the proposed diversion will not adversely impact flood risk on site, or on third party land. Blockage scenarios should also be assessed.
5. The modelling must be reviewed by an independent third party and submitted to the LPA in consultation with the LLFA. Such review should demonstrate the submitted modelling and flooding outlines are valid and provide the appropriate level of confidence. Further hydraulic model expectations held by the LLFA can be found in *Section 3.4 Hydraulic Modelling* of the LLFA's *Flood Risk Guidance for Development document*.

Reason: To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy, and better understand flood risk to the development in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.

20 **Construction of Access**

The development shall not be occupied until the vehicular accesses to the site have been constructed in general accordance with approved plan 110601-PEF-ZZ-XX-DR-TP-00001 and have been constructed in accordance with the Highway Authority's specifications.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

21 **Closure of existing access points**

The development shall not be occupied until all parts of the existing access(es) within the public highway not included in the permitted means of access have been closed and the (footway/verge) has been reinstated in accordance with the standard specification of the Highway Authority.

Reason: In the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

22 **Bus Stop Improvements**

The development shall not be occupied until the bus stop improvements, as indicatively shown on plan 110601-PEF-ZZ-XX-DR-TP-00001, have been fully constructed in accordance with the Highway Authority's specifications.

Reason: To improve sustainable transport options in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

23 **Pedestrian/Cycle Lane Improvements**

No more than 50 dwellings shall be occupied until the Leyes Lane pedestrian/cycle improvements as shown on plan 110601-PEF-ZZ-XX-DR-TP-00001 have been fully implemented in general accordance with that plan and constructed in accordance with the Highway Authority's specifications.

Reason: In the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029

24 **Sample Materials**

No phase of development shall be carried out above slab level unless and until a schedule of the external facing materials to be used in that phase has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

REASON: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

25 **Site Levels/Finished Floor Levels**

No development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with adjacent phases have been submitted to and approved in writing by the Local Planning

Authority. The development shall be carried out in strict accordance with these approved details.

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

26 **Water Efficiency**

No phase of development shall be carried out above slab level unless and until a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures have been completed in strict accordance with the approved details.

REASON: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District Local Plan 2011-2029.

27 **Net Zero**

No development, other than site clearance or preparatory works shall commence until a detailed Energy Statement that demonstrates compliance with the Net Zero Carbon DPD has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be built in accordance with the approved details.

No dwelling hereby permitted shall be occupied unless and until a Verification Report to demonstrate that the as-built performance of the constructed dwelling complies with the approved Energy Statement has been submitted to and approved in writing by the Local Planning Authority.

The Verification Report shall include:

- SAP calculations of the constructed dwelling(s).

- Results of the measured air permeability tested in accordance with the procedures set out in TM23 (and reported as part of compliance with Section 7, Part L of Buildings Regulations).

- Accredited construction detail performance as confirmed by infra-red thermographic survey and selective borescope surveys or other method as agreed in writing by the LPA.

- Logbook provided to demonstrate that ventilation and heating systems are installed and operating correctly, and a user guide on how these are to be used in operation of the building.

Reason: To ensure that the constructed building(s) meet the standards set by Policy NZC1 of the Warwick District Net Zero Carbon Development Plan Document (DPD).

28 **Construction Hours**

The hours of operation for construction works and deliveries shall be restricted to 07:30-17:00 Monday to Friday and 08:00-13:00 on a Saturday. No work is permitted to take place on Sundays or Public Holidays without the prior written permission of the Local Planning Authority. Furthermore, during term time delivery vehicles shall not be allowed to arrive on site between 08:30- 09:30 or between 15:00 and 16.30 Monday to Friday.

REASON: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

29 **Provision of Hydrants**

No phase of development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire-fighting purposes for that phase of the site has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.

REASON: In the interest of fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

30 **Landscape Strategy**

Within the Reserved Matters submission, a Landscape Strategy that accords with the Habitat Management and Monitoring Plan should be provided, including the following:

- An updated plan based on the final masterplan, setting out the location and
- quantities of different typologies of POS, and how this responds to the
- requirements of the Warwick District Council Public Open Space SPD.
- Detailed soft landscape proposals, produced in accordance with Warwick District Council's Public Open Space SPD. It must include details of the soft landscape features proposed as part of the streetscape design, SuDS features and play spaces. Planting plans and schedules should include the name, number (or location and number of trees), size and density of proposed plants. It should also be stated whether plants are proposed as bare-root or container grown. Details of seed mixes and method of sowing should be provided.

- Detailed hard landscape proposals produced in accordance with Warwick District Council's Public Open Space SPD. 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;
- hard surfacing; play equipment and street furniture.
- An updated tree retention and removal plan, that reflects any updates made to required tree removal that result from evolution of the detailed housing layout.
- A maintenance schedule for all hard and soft landscape features.

Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

31 **Retention of Existing Trees/Hedges**

The existing tree(s), hedges and shrub(s) indicated to be retained on the plans approved under Condition 1 shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the Local Planning Authority. Any tree(s), hedge(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), hedge(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), hedge(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 trees and shrubs 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 BE1 and NE4 of the Warwick District Local Plan 2011-2029.

32 **Housing Mix**

The type and size of dwellings submitted as part of any reserved matters application shall broadly accord with the following mix:

	One Bed	Two Bed	Three Bed	Four Bed +
Market mix	5-10%	25-30%	40-45%	20-25%
Affordable mix	30-35%	25-30%	30-35%	2-5%

REASON: To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.

33 **Cycle Parking**

Prior to the commencement of each phase of development, details of cycle storage, for that phase shall be submitted to and approved in writing by the Local Planning Authority. The agreed cycle parking shall be provided before first occupation of that part of the site and be retained as such thereafter.

REASON: In the interests of encouraging sustainable modes of travel in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029.

34 **Car Parking Plans**

As part of any reserved matters applications submitted under Condition 1, plans showing car parking within that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed car parking provision shall be provided before first occupation of that part of the site and be retained as such thereafter.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS15, BE2 of the Warwick District Local Plan 2011-2029.

35 **Removal of Permitted Development Rights C3 to C4**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no permitted changes from C3 dwelling house to C4 Houses in Multiple Occupation shall be enacted within the development hereby permitted.

REASON: To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029.

36 **Provision of Allotments**

Prior to the occupation of 50% of the dwellings, the allotments and associated infrastructure shall be laid out in full accordance with an Allotment Delivery and Management Plan that shall first have been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the location of the allotments, laying out of

individual plots, infrastructure, boundary fencing, car parking areas and any proposed storage structures. Once laid out the allotments shall be appropriately managed, maintained and kept in a tidy condition for use as allotments for the lifetime of the development as set out within the Management Plan.

REASON: To ensure adequate infrastructure is provided in a timely manner as part of the comprehensive development of this strategic site in the interests of the sustainable development in accordance with Policy DS15 of the Warwick District Local Plan 2011-2029.

37 **Contamination not Previously Discovered**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

38 **Provision of Bus Stops**

As part of any reserved matters submission relating to the layout of the development hereby permitted, a plan illustrating the location of potential future bus stops shall be submitted.

REASON: In the interests of appropriate public transport provision in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

39 **Travel Packs**

Prior to the first occupation of any dwellings herby permitted, details of proposed sustainable travel welcome packs shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved packs shall be provided to all dwellings upon first occupation.

REASON: In the interests of sustainable travel promotion having regard to Policy TR1 of the Warwick District Local Plan 2011-2029.

40 **Demolition**

No demolition shall commence until details and specifications of the proposed mobile crusher have been submitted to and approved in writing by the Local Planning Authority. Details shall include the proposed location of the mobile crusher (which must be located as far away as possible from surrounding residents) together with details of the proposed water supply in line with the mobile crusher permit conditions.

Reason: To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 16 June 2026 **Item Number:** 5

Application No: W 26 / 0090

Registration Date: 23/01/26
Town/Parish Council: Leamington Spa **Expiry Date:** 24/04/26
Case Officer: Millie Flynn
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5-9 Tavistock Street, Leamington Spa, CV32 5PJ
Retention of existing facade and construction of a new building containing seven purpose-built student accommodation apartments (to provide a total of 32no. bedrooms) and associated works. FOR Ni Ann Ltd

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought to partially demolish the existing two storey building at Nos. 5-9 Tavistock Street (otherwise known as 'Smack Nightclub') whilst retaining the existing façade and redevelop the site through the construction of a new four storey building containing 7no. purpose built student apartments, totalling 32no. bedrooms.

This application is proposed as a revised scheme to two previously refused schemes, which were also dismissed at appeal. The proposals differ from the previous applications, whilst this scheme seeks to retain the front and south façade as did the second submission, the overall height of the building has now been reduced and the number of bedrooms has decreased by 15no.

THE SITE AND ITS LOCATION

The application site is located within the Town Centre boundary of Royal Leamington Spa, though it is excluded from both the Primary and Secondary Retail Areas identified on the Policies Map. The site occupies Nos. 5-9 Tavistock Street which can be described as something akin to a service road, running parallel to and to the rear of Parade which lies to the east. The character of Tavistock Street is predominantly commercial in nature, comprising both retail and office uses as well as a car park on the western side of the street, while the eastern side, which is where the site is positioned, is mostly occupied by a supermarket and its service

and delivery yard to the south. To the north, at ground floor, is a dental clinic with residential apartments occupying the upper floors of the building.

The site is located within the Royal Leamington Spa Conservation Area and contains a Grade II* curtilage listed row (Nos. 5-9) of red brick built two storey former coach houses, dating from the early-mid 19th century, which originally served the grander and more prominent buildings on Parade at Nos. 12-42. To that end, Nos. 5-9 Tavistock Street are original mews-type buildings which are increasingly rare and accordingly provide an important contribution towards the character of the Conservation Area.

Other relevant site constraints are that the site is within the Article 4 Direction for changes of use from residential to houses in multiple occupation and, as mentioned above, a series of Grade II* listed buildings sit behind the application site, due east, fronting Parade, which are in close proximity to the application buildings. The site is open to the rear, with no physical boundaries or other defining features, separating the application site and its curtilage from the buildings fronting Parade and their curtilages.

PLANNING HISTORY

There is quite extensive history at the site, much of which bears no direct relevance to the current proposals. There is however, some pertinent planning history, which, despite its age, is considered by Officers to be relevant still. This is summarised below:

W/98/0432 - Change of use and conversion of premises to a night club (use class D2) comprising demolition of internal walls, installation of windows into existing door openings; closure of doorways and windows; installation of new door and window openings and new external staircases - ***Granted.***

W/95/0279 - Change of use and alterations of existing offices to wine bar/brasserie (after demolition of part internal walls) - ***Granted.***

W/92/0969 - Demolition of existing buildings fronting Tavistock Street; erection of a two storey office building with courtyard and car parking - ***Refused****.*

W/91/1064 - Demolition of existing buildings fronting Tavistock Street; erection of a two storey office building with courtyard and car parking area - ***Refused.*** *Appeal submitted (Public Inquiry) but subsequently withdrawn.*

The more recent, and directly relevant planning history are set out below:

W/24/0376 - Demolition of existing two storey nightclub building and erection of five storey building containing ten purpose-built student apartments, to provide a total of 48no. bedrooms – ***Refused and dismissed at appeal.***

W/24/0377/LB - Demolition of existing two storey nightclub building – ***Refused and dismissed at appeal.***

W/25/0194 - Retention of existing façade and construction of new building containing nine purpose-built student apartments, to provide a total of 47no. bedrooms (re-submission of W/24/0376) - ***Refused and dismissed at appeal.***

W/25/0266/LB - Retention of existing façade and construction of new building containing nine purpose-built student apartments, to provide a total of 47no. bedrooms (re-submission of W/24/0377/LB) -***Refused and dismissed at appeal.***

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS5 - Presumption in Favour of Sustainable Development
- PC0 - Prosperous Communities
- TC1 - Protecting and Enhancing the Town Centres
- H6 - Houses in Multiple Occupation and Student Accommodation
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- DM1 - Infrastructure Contributions

Net Zero Carbon Development Plan Document

- NZC1 - Achieving Net Zero Carbon Development
- NZC2(A) – Making Buildings Energy Efficient
- NZC2(B) - Zero or Low Carbon Energy Sources and Zero Carbon Ready Technology

- NZC2(C) - Carbon Offsetting
- NZC3 - Embodied Carbon

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS3 - Conservation Area
- RLS13 - Traffic and Transport
- RLS16 - Royal Leamington Spa Town Centre

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Open Space (Supplementary Planning Document - April 2019)
- Net Zero Carbon Supplementary Planning Document (SPD)
- Distance Separation (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WDC Conservation: No objection in principle to some form of additions to the existing building, but note that there is a degree of harm associated with the proposals, this is due to the loss of historic fabric. It is noted that as a result of the reduced scale of the scheme combined with the extent of demolition, the harm is clearly set within the lower level of less than substantial harm category, whilst public benefits are needed to be demonstrated to outweigh this and a clear and convincing justification is required.

Historic England: There are concerns regarding the application on heritage grounds which should be taken into account.

Health and Community Protection - Environmental Sustainability: No objection, subject to condition.

Senior Carbon & Energy Adviser: No objection, subject to condition.

Open Space: No comments received.

Waste Management: No objection providing the correct number of bins are provided and all other requirements set out in the relevant guidance are met.

LLFA: No objection, subject to conditions and notes.

WCC Ecology: No objection, subject to notes.

WCC Archaeology: No objection.

WCC Highways: No objection.

Public Responses: 5 support comments received, on the following grounds;

- Works are considered an improvement to the streetscene.
- There is little historic merit left of the building and bears no resemblance to its original form.
- Proposals would be a catalyst for change in Tavistock Street.
- The removal of the current use would be a benefit to those living close by.
- The Council don't have a 5 year housing land supply, therefore should support such schemes.
- The proposals will free up traditional family housing.
- The proposals will support local business.

ASSESSMENT

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

- Principle of development - *provision of student accommodation, compliance with Local Plan Policy H6 and partial demolition and redevelopment of curtilage listed buildings*;
- Impact on heritage assets - *background, legislative framework, matter of curtilage listing and its significance, evidence to justify demolition, impact of the proposed development, assessment of public benefits and Historic England's assessment of the proposals*;
- Archaeological impacts;
- Visual impact / character of area;
- Impact on neighbouring/residential amenity - *impact on existing neighbouring residential uses and Impact on future occupiers*;
- Access and parking;
- Ecological impacts;
- Biodiversity net gain;
- Drainage and flood risk;
- Waste management;
- Sustainability and compliance with DPD and;

- S.106 obligations;

Principle of development

The principle of development is a two-fold assessment; firstly the provision of new student accommodation in this location having regard to the provisions of Local Plan Policy H6 and additionally, the partial demolition of the existing curtilage listed buildings together with the proposed redevelopment of the building and its retained façade. For clarity, these are considered separately under their respective sub-headings below.

The provision of student accommodation and an assessment of Policy H6

Policy H6 states that planning permission will only be granted for Houses in Multiple Occupation (HMO) , including student accommodation, where:

a) The proportion of dwelling units in multiple occupation (including the proposal) within a 100m radius of the application site does not exceed 10% of total dwelling units;

b) The application site is within 400m walking distance of a bus stop;

c) The proposal does not result in a non-HMO dwelling being sandwiched between two HMOs;

d) The proposal does not lead to a continuous frontage of three or more HMOs; and

e) Adequate provision is made for the storage of refuse containers whereby –

i) The containers are not visible from an area accessible by the general public, and

ii) The containers can be moved to the collection point along an external route only.

It should be noted that this element of the assessment is unchanged from the previous application. Whilst there appears to have been a marginal increase in the HMO percentage concentration within a 100m radius, the principle remains unchanged and is discussed below.

In accordance with (a) above, the proposal would result in the HMO concentration increasing from 15.1% (i.e. already in excess of the 10% guideline) to a total of 21%. The development is therefore contrary to this part of the policy, however, Policy H6 goes on to say that exceptions to (a) may be made where the application site is located on a main thoroughfare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets (for

example, by way of pedestrian movements between the application site and the town centre or car parking).

To assist with determining this policy, a guidance note was produced in September 2019 to aid with the interpretation of Policy H6, specifically around the interpretation of thoroughfares and mixed use areas. Whilst paragraph 4.65 of the explanatory text to the policy itself states that "*main thoroughfares will normally be defined as A and B roads and mixed use areas are defined as those with a predominance of non-residential uses*" it was apparent that further clarification regarding definitions of "main thoroughfares" and "mixed use areas" would aid with the consideration of planning applications. These have therefore since been presented as a checklist of considerations for Officers to take into account in considering whether a proposal is located on a main thoroughfare within a mixed use area.

As part of the initial application at the site (2024), consideration was given to the content of the guidance note, as well as a relatively recent application (2022) for a proposed HMO elsewhere in Tavistock Street and how this was assessed against Policy H6, in the interests of consistency in decision making. It was previously concluded that the current application site complies with the aforementioned exception to (a) insofar as Tavistock Street is a town centre location, with a main car park (albeit only the surface element remains in use today), significant footfall and connectivity to the town. It is therefore considered to be a main thoroughfare in a mixed use area that is predominantly commercial in nature as described earlier in this report. The proposal is not considered to result in increased footfall along residential streets to access local facilities, and therefore insofar as Policy H6(a) is concerned, Officers conclude that the development is acceptable.

The nearest bus stop is approximately 65m to the north of the site in Clarendon Avenue, while two further primary bus stops are located either side of Parade. There are several ways to walk from the site to these bus stops and the maximum walking distance is 250 metres which is within the recommended 400m walking distance set out in H6(b).

The proposal would not result in a non-HMO dwelling being sandwiched between two HMOs, nor would the proposal lead to a continuous frontage of three or more HMOs, thereby satisfying both H6(c) and (d). The last requirement of Policy H6 is also satisfied given that refuse bins are proposed to be stored within an enclosure located within the site's curtilage, thereby neither visible nor accessible by the general public. As such, bins can be moved along an external route.

Having regard to all of the above, Officers are satisfied that the proposals comply with Policy H6 of the Local Plan.

Policy RLS1 of the Royal Leamington Spa Neighbourhood Plan (RLSNDP) supports proposals for new housing development within the Royal Leamington Spa Urban Area for certain types of development set out within the policy. Amongst the list is the re-use of previously developed land and buildings when not in conflict with other development plan policies as well as proposals for purpose-built student accommodation when positively assessed against all related development plan requirements and guidance. Officers consider that in relation to the latter point, the development is broadly acceptable in principle, whilst consideration is given to other relevant development plan considerations in the following sections of this report. In relation to the former, the development is again considered broadly acceptable in principle, however, this is subject to it also being in accordance with other development plan policies.

Overall, the proposal to provide new purpose built student accommodation in this location is considered acceptable in principle. However, this forms only one aspect of the principle of development which can only be considered wholly acceptable in principle if it is found to be compliant with the other relevant provisions of the development plan.

Since the application involves the proposed partial demolition of a curtilage listed building in the Royal Leamington Spa Conservation Area, the proposals are also to be considered against the relevant heritage policies. These are set out below.

<u>The partial demolition and redevelopment of the existing curtilage listed buildings</u>

The principle of development is concerned not only with the extent of demolition proposed of a curtilage listed building but also the proposed redevelopment, which involves the erection of a new building inside the existing façade , essentially comprising a metal frame structure sitting inside the external walls.

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

The principle of development is, in part at least, intrinsically linked to the impact on the relevant heritage assets insofar as partial demolition of a curtilage listed building is concerned. The proposed extent of redevelopment and new build is also relevant to the principle of development, not only because it would be attached to the remaining fabric of a curtilage listed building, but also because it is the proposed redevelopment that necessitates any element of demolition of the original building.

For the purposes of considering the principle of development, it is considered that, subject to sufficient justification together with a suitable scheme for the

redevelopment being presented, the extent of demolition proposed and redevelopment of the site may be considered acceptable in principle in accordance with Policy HE1, subject to a detailed assessment being made of the relevant considerations set out below.

Impact on heritage assets

Relevant background

The site comprises a range of Grade II* curtilage-listed former coach houses to No. 12-14 Parade, which fall behind the application site. These properties were historically used as houses, hotels and lodging houses, however by 1850 many had become shops. These original mews-type buildings provide an important contribution towards the character of the Royal Leamington Spa Conservation Area and, due to their increasing rarity, it is considered that these assets should be retained and adapted wherever possible. One of the key issues for consideration therefore is the extent of demolition of the curtilage listed buildings ; the reasoning behind this; and the impact of this upon the Listed Buildings and the Conservation Area.

The buildings in question historically contributed towards the original function and operation of the Regency properties along the Parade. These former coach houses are the sole remaining reflection of the historic service road character of this section of Tavistock Street. It is noted however, that these buildings have been subject to substantial alterations and amendments that have impacted both their significance and character.

It has been demonstrated that the interior of the building has been stripped of all historic fabric, including walls, floors, fittings and features, with external fabric also having been subject to change. The roof structure has been altered, new apertures have been created in the elevations and windows have been replaced, and the parts of the building that remain are in poor condition, requiring extensive repair or rebuilding. During the course of the previous applications, there was broad agreement between the applicants, their heritage representatives and Officers including relevant heritage experts that, internally, the building was devoid of any remaining heritage significance. The appeal Inspector also noted these alterations and loss of historic plan form and fabric.

In spite of these alterations, it is crucial to note that both the Inspector and the Council continue to afford significance and value to this curtilage-listed heritage asset.

As opposed to the previously dismissed scheme one which proposed full demolition, this application proposes to retain the front façade and south elevation as original features of the building. It is still noted however that a large amount of

demolition is required and as such, this element of the scheme must be carefully weighed due to the resulting harm from this loss of fabric.

In contrast to the lack of internal significance, the external elements of the building are considered to contribute to the historic architectural grammar of the former service road, being an important element of the setting of the Grade II*-listed buildings to Parade and the wider Leamington Urban Conservation Area. The structure highlights Tavistock Street's original usage whilst also preserving a historic relationship with the Grade II*-listed buildings on Parade and as such, total demolition is not considered to be acceptable nor justified, a stance supported at appeal. In light of the internal condition, it is considered however that some demolition could potentially be acceptable, subject to an acceptable scheme of redevelopment coming forward, provided there is sufficient substantial justification to outweigh the harm and retention of fabric where possible.

To that end, the considerable degree of demolition necessary to facilitate the proposed redevelopment, resulting in the retention of the building façade will cause less than substantial harm to the character and appearance of the Listed Buildings and Conservation Area. In overall terms, that harm is potentially capable of being outweighed by the other aspects of the proposals subject to the proposed redevelopment proposals being of sufficient design quality within this highly sensitive location, and attracting sufficient public benefits to do so.

The remainder of this section of the report considers the proposals in that context.

Legislative and policy framework

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas, respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area…special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Local Plan, as set out earlier in this report, expects development proposals to have appropriate regard to the significance of designated heritage

assets and where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Policy RLS3 of the RLSNDP requires development proposals that are within or directly affecting a Conservation Area to assess and address their impact on their heritage significance. Proposals must demonstrate attention to particular criteria (as specified in the policy) where relevant.

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, while para.213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The matter of curtilage listing and its significance

The appeal Inspector, in their decision letter established within the aforementioned appeals that the building at 5-9 Tavistock Street is to be considered as curtilage listed and as such, is offered the same protection and consideration as a listed building.

12-14 Parade - to the rear of the application site - were first listed on 19 November 1953, prior to 1 January 1969, when the law relating to curtilages first came into effect. The Inspector stated that the former stables and coach houses, with associated servants' accommodation, at 5 to 9 Tavistock Street originally served the large family homes located at 12 to 16 Parade (all even). However, societal changes meant the homes quickly changed to commercial uses at ground floor with flats above. Due to there no longer being a requirement for horsedrawn coaches, Nos 5 to 9 changed to separate unrelated commercial uses, including stabling. The original intimate physical and functional relationship between both sets of buildings therefore ceased in the early part of the 20th century.

The 1885 Ordnance Survey (OS) and Town Maps both indicate that the buildings at 5 to 11 Tavistock Street and the gardens between them and the properties at Parade were largely intact. However, following the sale of 12 Parade, a later map and aerial photograph from 1920 showed a larger area to the rear of No 5 to be subdivided. These also show outbuildings between the rear of 14 Parade and No 7, the configuration of which later changed to those in situ. While later OS Maps show the dividing walls between 14 and 16 Parade and Nos 5 to 9 to be in place

until at least 1966, the walls were later removed to provide a service yard/car park between the uses in Parade and Tavistock Street. Indeed, the appellant's ownership is confined to the footprint of the appeal building.

Accordingly, while Nos 5 to 9 were not always in use ancillary to the listed buildings on Parade, they were ancillary to 14 Parade when it was listed as part of 12 to 42 Parade. There is no evidence to demonstrate that this did not continue, and that the layout changed considerably between them, on 1 January 1969. In conclusion, even though Nos 5 to 9 were sold separately to 14 Parade in 1973, the Inspector concluded that they should still be treated as part of the listed building, because they were ancillary in 1969 and formed part of the listed building curtilage protection thereafter. On this basis, the Inspector reasonably concluded that Nos 5 to 9 form part of the listed buildings fronting Parade.

To summarise the background and context relating to the issue of curtilage listed buildings, such buildings are treated as part of the listed building itself and accordingly any demolition and/or redevelopment of the coach house requires substantial justification and a demonstration of public benefits. This is considered in the remaining sections of this report.

Evidence submitted to justify demolition

The submitted Heritage Impact Assessment (HIA) is the same document submitted as part of the previous planning applications which were refused and dismissed on appeal. The assessment considers that the buildings hold very little heritage significance and that their demolition and replacement are justified and that any harm that would result is outweighed by the heritage benefits (and other public benefits) that would be delivered. To explain this further, the HIA states that any interest the buildings once held has been significantly depleted by subsequent alterations and use and they sit in an entirely changed context, such that the setting further depletes any significance the buildings may hold.

With regard to more recent planning history at the site, following a refusal of demolition and replacement in 1991, the roof has been replaced in its entirety, floors have been replaced, internal features and partitions removed and a steel structure inserted to support new floors and the walls. Windows have been blocked to facilitate the current use as a nightclub and changes made to the front elevation such that all that remains as evidence of the use as stables/coach houses are the entry points for wheeled vehicles.

The buildings represent, by their location, size and use of materials, one of the last surviving buildings of the former mews stables and ancillary accommodation of Tavistock Street however this historic character of the street as a service road has been lost. The Inspector noted the large-scale surrounding development and that the mews character had been subsequently overtaken, resulting in a location far

removed from the traditional characteristics referred to in the Council's Royal Leamington Spa Conservation Area Appraisal (referenced by the applicant as 'A Guide to Conservation Areas' (AGCA) Document). The submitted HIA also states that the building is in poor condition, with signs of cracking and bowing.

It is therefore asserted in the HIA that any interest the buildings still hold can be preserved by record, with demolition providing the catalyst to regenerate this part of the conservation area, claiming that the point has been reached where replacement would deliver significantly greater benefits than any form of retention. In this manner, demolition would be justified, with the subsequent level of harm referred to within the HIA as "very limited".

This loss of character in regard to elements of the building is recognised however it is not agreed that the building holds very little heritage significance and that the subsequent level of harm from demolition would be very limited. The Inspector noted the arguments proposed by the applicant and acknowledged that recording could be undertaken however also firmly stated that 'this does not mean a carte blanch approach to its alteration and/or demolition and replacement would be appropriate'. It was also noted that this did not means that 'the status quo should be preserved in aspic' but rather than any harm to the significance of the heritage assets will require clear and convincing justification.

This scheme now proposes a reduced amount of demolition which retains the principal elevation intact, with the façade often recognised as the most important and sensitive of elevations. The retention of the façade is welcomed however this scheme would still result in the loss of the roof, rear, interior and overall form. Whilst the rear-to-rear relationship of the ancillary building and the Grade II*-listed Parade townhouse has been severed by a carpark, the existing mews building still incorporates brickwork and slate roofing, which are synonymous with secondary streets behind Parade and as such, a legible relationship remains. As such, the proposed demolition is considered to sever this relationship and result in a level of harm, albeit at the lower end of less than substantial, which requires substantial justification. As set out earlier in this report, any extent of demolition can only be found to be potentially acceptable where it is necessary to facilitate a redevelopment proposal for which in overall terms, the public benefits outweigh the demolition's identified harm.

The impact of the proposed redevelopment

Support comments note that there is little historic merit left of the building which bears no resemblance to its original form.

Previously, whilst there were fundamental concerns founded in the total loss of the curtilage listed building, there were also issues regarding the design, height and scale of the proposed redevelopment and it was considered that the initial scheme

would have an unacceptable impact on designated heritage assets, including their setting, contrary to the relevant provisions of the development plan.

In relation to one of the previous schemes, the Inspector observed that the building 'should not be preserved in aspic' and concluded that the loss and alteration of the structure would amount to less than substantial harm. That harm was weighed against a range of public benefits, including the provision of student accommodation, the closure of the existing nightclub as a potential 'bad neighbour' use, improvements to the wider streetscene, and the prospect of acting as a catalyst for wider regeneration. However, whether assessed as total or partial demolition, the scheme was ultimately found wanting because it undermined and eroded the relationship with the Grade II*-listed buildings on Parade, and the scale and form of the proposed development failed to retain the site's historic character or any sense of subservience.

The applicant, as part of this submission notes that the Inspector confirmed that there is scope to preserve significance by record prior to demolition, provided that the new proposals are sensitive to the buildings hierarchy i.e. the relationships established between Parade and Tavistock Street. The applicant further highlights that if this can be achieved, the level of harm would be reduced and that in their view, the currently proposed amendments achieve the right balance when considered against the less than substantial harm arising from the proposals. The applicant's statement also reiterates the Council's stance that the proposed changes must address the concerns raised by the Inspector.

The Council considers that the Inspector agreed that preservation by record is a potential avenue albeit one that must be carefully considered and which does not automatically negate the harm or impact arising from a proposal.

The applicant notes that the application property is not the only mews within this part of the Conservation Area, with other better-preserved examples locally, however Officers note this is now the only mews property on Tavistock Street, and therefore that attention should be paid to its significance in regard to the Grade II*-listed buildings to Parade, as well as within the wider street scene and Conservation Area.

The applicant states that the proposals are now lower in height than approved redevelopment at Covent Garden Car Park ref: W/17/1700, however Officers are mindful that this permission has since lapsed. Notwithstanding this, that site was located on the opposite side of the street to the application site and whilst within close proximity to nearby listed buildings, wasn't within the direct curtilage of any such buildings' such that the context of the site is not considered comparable. The applicant also compares the application site with the more modern bulkier

development situated either side and whilst this is noted by Officers, the circumstances of those developments is not considered comparable.

Officers note that similarly to the appeal, the proposal will result in the loss of historic fabric. The applicants statement adds that the proposed development will establish a 'narrative' with the existing brick outriggers to the rear of Parade and is of an appropriate scale, responding to the functional hierarchy as addressed by the Inspector and at the same time responding to the changed and changing character and appearance of Tavistock Street. They therefore conclude that to reduce the height further would result in the proposals appearing an oddity in scale, much like the existing building currently does. Officers note that whilst the proposals appear to have been slightly reduced in scale and altered in design, the proposal remains as a substantial four storey building. It is not considered that the height and scale of the building is appropriate as it is not reflective of the character of the street scene and would present an overbearing sense of scale in relation to this very specific and sensitive site.

The existing building on the junction of Tavistock Street/Clarendon Avenue is an exception in terms of height, with the majority of buildings on Tavistock Street being limited to two storeys. At four stories, the proposed height will be greater than that of the outriggers to Parade and as such, there is a lack of subservience, with the historic relationship of the curtilage and listed buildings being lost.

This proposal is considered to continue to fail to achieve the retention of this relationship, balance and deference to the historic buildings on Parade or retain aspects of the sole remaining coach houses to this mews street, due to the proposed mass and form. The Inspector gave weight and importance of the proportions of the existing building and its relationship with the conservation area, a stance with which the Council agrees. The harm from the previous scheme in terms of size, form and loss of relationship was considered to outweigh the public benefits that were identified in the previous scheme.

The form and mass of the scheme has now been reduced, due to the reduction in height by 2.6m, however consequently, one of the public benefits has also reduced, due to the reduced provision of 15no bedrooms. It is considered that notwithstanding that change to the form of the proposals, they continue to fail to preserve the relationship between the curtilage listed building and the listed building to Parade, as well as failing to preserve the mews style historic character of this area. This is because of the competing nature of the buildings which the proposals introduce.

The proposed use of materials is considered to result in development which reads as too heavy when compared with the original brick two storey facade. Thus, the

proposal adds further bulk and mass to the redevelopment and is considered to be at odds with the ancillary nature of the original building.

Whilst the Council's Conservation Officer raises no objection to the principle of a form of development at the site, they do note that there is a degree of harm associated with the proposals due to the loss of historic fabric. It is noted that the now reduced scale of the scheme combined with partial retention, rather than full demolition, sets the harm within the lower level of less than substantial harm category. However, public benefits are required to outweigh this harm and clear and convincing justification is required for any demolition. The Conservation Officer also raises some concerns regarding the proposed materials given the perceived bulk and mass this adds to the building.

Overall, whilst the retention of the façade is welcomed, it is considered that significant, less than substantial harm, would be caused to the significance of designated heritage assets arising from the remaining extent of demolition proposed along with the form, bulk, design and materials of the new building. These assets include Grade II* listed buildings on Parade, the application site as a curtilage listed building, and also the Royal Leamington Spa Conservation Area. The NPPF makes it clear that less than substantial harm must be attributed significant weight and for a proposal to be considered acceptable, be clearly outweighed by public benefits.

Following the identification of the harm to the aforementioned heritage assets, an assessment of the public benefits is now necessary to establish whether or not such benefits could outweigh the level of harm. This is considered below.

Assessment of public benefits

Within the supporting information provided with the application, public benefits have been identified which the applicant considers would outweigh any identified harm to heritage assets. The applicant considers the level of harm to be at "the very lowest point of less than substantial".

These benefits are summarised below and considered in line with the previous submissions at the site and the relevant comments made by the Inspector.

1) Housing supply

Support comments state that the proposals will free up traditional family housing and that the lack of a 5 year housing land supply should result in such schemes being supported.

As part of the previous appeal the Inspector noted that the development would provide accommodation for multiple individuals and therefore, afforded this

considerable weight as a social benefit of the scheme. The Inspector also noted that while the proposal could result in some existing housing stock in the district becoming available for family housing, the absence of any controls to ensure that, meant that this benefit could only be afforded very limited weight.

Further, as noted above the revisions to the proposals have reduced the number of students units from 9 to 7 and reduces the number of bedrooms from 47 to 32, which, if built, is asserted to free up 7 family dwellings elsewhere within the district which could be returned to open market dwellings. As indicated above, in accordance with the appeal Inspector's reasoning, this potential benefit can only be afforded very limited weight.

The applicant has commissioned a report which investigates the demand for student housing in Leamington Spa. The key conclusions of that report are that there is a demand for student accommodation within the district, to which Officers can agree, to which weight can be attached. However, whilst the report takes into consideration recently approved purpose-built student accommodation (PBSA) schemes within Leamington, consideration has not been given to recently approved private PBSA schemes close to the University of Warwick approved by Coventry City Council, which are yet to be constructed and account for some 2,000 student beds.

2) The closure of the existing nightclub and removal of a potential 'bad neighbour' use.

As was the case with the previous application, it is asserted that the potential closure of a 600 persons capacity nightclub will remove a potential bad neighbour from the locality and provide a public benefit in terms of its proximity to neighbouring residential uses and disturbance by patrons on Tavistock Street. Support comments also consider the removal of the current use would be a benefit to those living close by.

In considering this, Officers have had regard to the fact that a nightclub has operated from this site since 1999. Supporting information submitted notes the number of complaints raised to Environmental Health with regard to noise from the permitted use.

The applicant has also submitted video evidence to support their case. Having liaised with the Environmental Health team, Officers have been able to establish that over the last seven years a total of fourteen noise complaints have been received, citing loud music, raised voices and noise from the nightclub. At appeal, the Inspector noted that the appellant confirmed that most stem from noise attenuation not being installed correctly where the Council had required it. Given this, none of those complaints are understood to have been subsequently continued or been substantiated. The Inspector further adds that the proposals

would remove such use and the proposed accommodation would be managed to avoid student occupants causing similar problems. However, the Inspector afforded this matter limited weight, as a social and environmental benefit which is a material consideration in this case and to which Officers have no grounds to disagree.

3) Improvements to the streetscene

Support comments note that the proposals are considered to be an improvement to the streetscene.

Much of the applicant's case for demolition centres around the current character and appearance of Tavistock Street, its place within the Royal Leamington Spa Conservation Area, the site's contribution to the character of the conservation area and more fundamentally the fact that the historic significance of this street and its context has been depleted over the years. It follows that in the applicant's view, the proposal would serve as an improvement to the area and in this revised scheme it is asserted that the existing building is not attractive whereas the proposed replacement building, incorporating the retained façade, has been well designed by an award winning Architectural practice. Moreover, it is asserted that the new building will also mask the unattractive and unkempt elevation of the imposing blank southern façade of The Space, however Officers note it would do so with a scheme which is considered to be harmful.

As will be explained further below, the proposed redevelopment scheme is not considered to be of a suitable design, scale, mass and bulk, within this sensitive context and therefore not considered to be a benefit of the scheme to which weight can be attached.

4) A catalyst for wider improvements

Support comments note that the proposals would be a catalyst for change in Tavistock Street.

Reference is made to the Council's own proposals for the redevelopment of a nearby site which, with the inclusion of replacement buildings up to 5 storeys in height, provided the catalyst for rethinking the character of Tavistock Street. It is asserted that this proposal will add to that approach.

Officers afford this limited weight. This is because, whilst a grant of planning permission for the current proposals may stimulate further development proposals, the planning permission referred to has expired without implementation and the current proposals are not considered to be an appropriate starting point for any such regeneration.

5) Securing a use for the Listed Building

In determining planning applications, the NPPF requires that local planning authorities take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF, paragraph 215).

Paragraph 221 of the NPPF states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disadvantages of departing from those policies.

As part of the submission of the application, the applicant states that the scheme involves the retention of the existing facade onto Tavistock Street and would secure the optimum viable use for the building, which is student accommodation.

Limited information relating to this has been submitted to support the applicant's case, in order to demonstrate that other uses have been explored and it is noted that the building currently remains in use as a nightclub.

Guidance on the optimum viable use for a heritage asset and how this is considered in planning decisions is provided within National Planning Practice Guidance. This states:

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

It is not disputed that a residential use would secure a viable use for the Listed Building. However, no information has been submitted to demonstrate that this is the only viable use and that the proposed redevelopment of the site is necessary to that end, particularly considering that the building remains in active use.

Given that the building continues in active use, it is not therefore considered that any significant weight can be given to this matter as a public benefit of the proposals.

Historic England assessment of the proposals

The views expressed by Historic England (HE) are material considerations and are summarised here for the avoidance of doubt.

The significance of the existing building is once more noted in some detail, as well as its contribution to the significance of the Grade II* listed buildings on Parade and the conservation area. The submission of amended plans which include the retention of the front elevation of the building and re-designed proposal is noted, however concerns are still raised with regard to the overall scale of the building. The upwards extension of two storeys would be a change from the subservient character of the existing building and would dilute the association of the former mews to numbers 12-42, as noted by the Inspector.

Furthermore, the height of four-storeys would be a sizable change from the predominantly two-storey street scene that currently exists on Tavistock Street. It is HE's view that this would amount to a lower level of less than substantial harm to the significance of the grade II* buildings and the Leamington Spa Conservation Area. It is further stated that the success of this scheme, and its ultimate contribution to this significant streetscene would depend greatly upon the use of high quality materials, finishes and close attention to design detail. Should the Council consider that public benefits of the proposal outweigh the harm to the heritage assets, then advice should be sought from the Council's expert heritage advisors in considering matters of detail, such as materials, glazing finishes, and fixtures to ensure the detail, quality and execution of the intended approach is achieved.

Conclusion on Impact on Heritage Assets

It is Officers' opinion that the proposed extent of demolition of the curtilage listed building in this revised scheme represents an improvement overall to the initially refused scheme, supplemented, importantly, by the retention of the façade of the building. However, the need for the demolition works is founded in the proposed redevelopment of the site and based on the comprehensive assessment above of the revised scheme, by reason of its height, scale, bulk and overall materiality, the proposals are not considered to read as a subservient addition to the form of the host buildings fronting Parade. Therefore, there remain concerns about the appropriateness of the new building works proposed at this site and their resulting impacts on designated heritage assets and their setting.

As noted above, whilst the level of harm identified is now considered to amount to less than substantial harm, which the Inspector considered to be at the lower level of that range, Officer's assessment of the submitted public benefits is that collectively they carry at best, limited weight, which are the same conclusions drawn by the Inspector at appeal.

It is therefore considered that the public benefits demonstrated are not sufficient to outweigh the harm to heritage assets arising from the proposals.

Archaeological Impacts

WCC Archaeology have assessed the application and note that as part of the formal submission a Historic Fabric Analysis of the building has been submitted which includes information demonstrating that as part of previous development works to convert the building into a nightclub most of the original historic fabric was lost. Therefore, when taking this into consideration, they are now of the opinion that the proposals are unlikely to have a significant archaeological impact and therefore they raise no objection.

Design and visual impact upon the character of the area

Policy BE1 of the Local Plan requires new development to positively contribute to the character and quality of its environment through good layout and design. This is further supported through the Residential Design Guide SPD (2018) which provides a framework through which additional design principles are set out to ensure that high quality design is promoted, sensitive to, and in keeping with the area in which it is located.

Policy RLS3 of the Neighbourhood Plan relates to development affecting the conservation area and listed buildings and seeks to ensure that proposals respect their significance.

Notwithstanding all of the above considerations regarding the principle and heritage impacts, Officers have considered the proposed scale, mass and bulk of the proposed new building and note that the building would sit below the height of the adjacent residential building known as the 'Space'. The nearby former Covent Garden multi-storey car park has now been demolished and works are underway to retain the lower two levels of car parking for users of the town.

The consideration of the previous application noted that the existing building on the junction of Tavistock Street/Clarendon Avenue is an exception in terms of height, with the majority of buildings on Tavistock Street limited to two storeys. Therefore, it was concluded that the height and scale of the proposed building was neither appropriate nor is it reflective of the character of the streetscene and would present an overbearing sense of scale. For this scheme, whilst the height, bulk and mass has been reduced, the building continues to sit at a significantly greater height within its surroundings, which is considered out keeping with the established character.

Furthermore, with regard to the proposed materials, the Inspector stated that the use of brick would reflect the utilitarian appearance of the mews building. Officers note that modern materials have been incorporated for the newer additions as part

of this proposal at the site. However, the materials are considered to result in the upper floors of the building being considered bulky additions, when compared with the original brick two storey facade as opposed to more lightweight material. The proposed additions are considered at odds with the ancillary nature of the original building and present as being overwhelming in scale.

In simple terms, the proposed redevelopment of a traditional two storey former coach house with a four storey development of the proposed scale is not considered visually appropriate within the street scene. Moreover, within the context of the site, the extent to which it is proposed to be redeveloped, exacerbated by the addition of two further storeys, amounts in Officers' view to the overdevelopment of the site. In turn this leads to a harmful visual impact to the character and appearance of the area, contrary to Policy BE1 of the Local Plan and Policy RLS3 of the RLSNDP.

Impact on neighbouring/residential amenity

Policy BE3 of the Local Plan states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. At the same time, the policy also requires development to provide acceptable standards of amenity for all future users and occupiers of the development.

Impact on existing neighbouring uses

It should be noted that this element of the assessment is unchanged from the previous application.

The development proposes to redevelop an existing two storey building which is not currently in residential use with a four storey building to provide residential accommodation. This would share a back to back relationship with the rears of Nos. 12-16 Parade, the rear elevations of which contain windows broadly serving residential uses and habitable rooms.

In accordance with the guidance on distance separation where three storey buildings share a back to back relationship, the minimum distance required is stipulated as 32m. For two storey buildings sharing the same relationship a minimum of 22m is required. The town centre location of this development is noted and it is further acknowledged that it will often not be possible to achieve these distances in such a built up area, especially where historic buildings already exist and proposals are looking to convert existing space into a residential use.

In this case and as noted as part of the previous submission, Officers have considered the actual distance separation achievable between the rear facing elevations of the existing and proposed buildings which, in the worst case scenario is 21m (to the rear projections of Nos. 12 and 14) increasing to 24m to the rear of No.16.

Given the town centre location and nature and context of the site and surrounding neighbouring buildings it is not expected that any proposal would be able to achieve the full 32m and such developments would be assessed on a case by case basis. In this scenario, consideration has therefore been given to the design proposed for the rear facing elevation of the new building. As agreed previously, the drawings now illustrate rear elevations whose windows are positioned at an angle, thus providing oblique views out of them diagonally across the rear of the site in a south-easterly facing direction.

On this basis, Officers do not consider the proposed development would cause such demonstrable harm to amenity by reason of noise, disturbance, overlooking and loss of privacy to justify a refusal of permission on this basis.

Impact on future occupiers

Outlook and natural light

The proposals have been amended since the initial submission to internally reconfigure the development to address other concerns raised by Officers and the Environmental Health Officer. The Council's Residential Design Guide (RDG) stipulates that the minimum separation distance between a habitable room and blank facade should be 12.0m in order to achieve an acceptable outlook for the future users of that space.

Officers note that whilst the shared kitchen/living space for Apartment 01 does not comply with this distance, as it is 4.7m to a 2.3m boundary brick wall, this is a similar relationship to the proposals submitted at appeal, to which no concerns were raised.

The consideration of that earlier proposal is a material consideration and therefore it would be unreasonable to raise an objection to that aspect as part of this proposal. All other habitable rooms are considered to benefit from sufficient light and outlook. It is noted that habitable rooms to the western boundary are served by side facing windows at a close proximity to a neighbouring blank facade, however the rooms in question also benefit from rear facing window, to allow an acceptable outlook. Whilst there are also windows on this elevation which are close to one another and serve different units, Officers are of the opinion that given the oblique angles, views would be limited and therefore users of each room would still be afforded an acceptable level of amenity.

Therefore, the proposals are considered to provide appropriate levels of amenity for future occupiers and are therefore compliant with the aforementioned policies.

Outdoor private amenity space

No private amenity space is proposed as part of the proposals. However, Officers note that the application property is located within close proximity to public outdoor open spaces e.g. Victoria Park and Newbold Comyn which are both within a 10 minute walk of the site. Therefore, whilst the proposal would not itself provide sufficient private amenity space for the future occupiers of the site, on balance, the lack of private amenity space is considered to be acceptable under these specific circumstances.

As part of the previous application a commuted off-site payment was to be agreed to enable the improvement of local green spaces. However, the Inspector considered that the requirement for residential developments to contribute towards local green spaces offsite is based on the increased demand on existing spaces from additional occupants of dwellings. The Council's Public Open Space Supplementary Planning Document (April 2019), when read in conjunction with Local Plan Policy HS4,states that public open space provision should be made for residential development of 11 or more dwellings. Furthermore, the Local Plan Glossary indicates that "each HMO cluster (self-contained unit) within a student accommodation block needs to be counted as one dwelling unit". Given that the scheme is for 7no. student apartments, it would not therefore be appropriate to seek contributions for local green space as part of this scheme, in accordance with the findings at appeal.

Odour

The applicant has submitted an odour assessment report (Ref. 10396r2, 24th April 2026), in order to address the previous concerns raised, which were noise and odour arising from the neighbouring restaurant known as La Coppola located to the rear of the application site. The Council's Environmental Health (EHO) Officers notes that the report considers the potential odour impacts from the existing kitchen extraction system located to the rear of No.14 Parade (La Coppola). The odour impacts have been modelled, supplemented by extractive testing from the La Coppola kitchen hood, and determined as not significant. The proposed scheme has also been redesigned so that habitable windows on the rear façade are minimised. The application proposes the use of non-openable windows for the proposed communal kitchen and dining areas but will be supplemented by a lightwell to allow natural ventilation. The odour impacts have been also modelled at the windows serving proposed habitable rooms, i.e. bedrooms, and has identified a negligible impact. Future residents could therefore open their windows without experiencing adverse odour impacts from the nearby restaurant. On this basis, the EHO raises no objections to the revised scheme from an odour perspective. Therefore, the proposals are considered to have an acceptable impact on future occupiers by reason of odour from nearby uses.

Noise

Concerns were raised as part of the previous application regarding extraction equipment located to the rear of No.14 Parade (La Coppola) at first floor, which is located to the rear of the application site. However, in order to overcome these concerns under this application, the applicant has submitted a Noise Assessment report (Ref PA1723, February 2026). The Council's Environmental Health Officer (EHO) has been consulted and notes that the report has referred to the Planning Inspector's previous consideration of the proposed scheme and the use of mechanical ventilation at a nearby scheme on Russell Street (planning application W/17/1700). Whilst the Inspector identified that this decision was made under the current Local Plan, the EHO highlights that national planning guidance has been updated since this decision. In particular, the noise planning practice guidance (July 2019) identifies the need to consider the impact of closed windows on living conditions and provides further guidance on how adverse noise impacts may be minimised through acoustic design measures.

Notwithstanding this, an updated Noise Assessment report has been submitted to consider the impacts of existing external noise on the proposed development. Amendments have also been made to internally reconfigure the proposals. For the rear façade, the number of windows serving habitable rooms has been reduced and where habitable rooms are still present, they have been located away from the main noise sources. In light of this, the report concludes that windows in habitable rooms could be open during the day and nighttime periods without unreasonable noise disturbance. Significant adverse noise impacts have been predicted at the windows where the proposed communal kitchen and dining rooms will be located. The revised scheme, however, proposes the use of a centralised lightwell to provide natural ventilation whilst allowing windows on the rear façade to be closed.

On the front façade, the noise report identifies that habitable rooms would likely be exposed to noise, from the road, above the recommended internal guideline levels in BS8233:2013 and WHO guidelines for community noise (1999).

During the daytime, external noise levels calculated at the façade of the proposed development range from 55dB to 58dB LAeq. Assuming a 15dB reduction through a partially open window, the internal noise levels could range from 40dB to 43dB LAeq compared to the guideline level of 35dB LAeq. BS8233:2014 says that these guidelines may be relaxed by up to 5dB if the development is considered necessary or desirable.

On this basis, the noise impacts on the front façade during the daytime would be adverse but would not cross the threshold into significantly adverse whereby planning refusal should be considered if mitigation is not feasible or appropriate. During the nighttime, it appears that adverse noise levels are influenced by delivery vehicles servicing the nearby Tesco supermarket and road traffic LAmax

events therefore future residents would need to keep windows closed to avoid significant adverse noise effects.

The applicant's noise report has therefore proposed a glazing and ventilation scheme to mitigate this. As residents would still have the ability to open their windows during the daytime without experiencing significant adverse effects, the Environmental Health Officer raises no objection to the amended proposals, subject to a condition to ensure compliance with the submitted Noise Assessment and mitigation therein. On this basis, the proposals are not considered to result in harm insofar as noise for the future occupiers of the site.

N.B Without prejudice to the above, the EHO wishes to draw the applicant's attention to the need to ensure that adequate sound insultation is provided between rooms of differing uses which share a party wall and/or floor, such as the bedroom above the plant room and the bedrooms next to or below the kitchen and dining communal areas. This may require a sound reduction performance greater than those specified in Approved Document E and therefore we would recommend that specialist advice is sought on this matter.

Based on the assessment above, previous concerns have now been addressed, therefore, the proposals are considered to comply with Local Plan Policy BE3.

Access and parking

Policies TR1 and TR3 require developments to provide safe, suitable and attractive access routes for all road users and make suitable provision for parking which has regard to the location and accessibility of the site by means other than the private car. Development will also be expected to comply with the parking standards set out in the most recent Parking SPD.

It should be noted that this element of the assessment is unchanged from the previous application.

The development does not propose any car parking, nor does the existing development. The development proposes purpose built student accommodation which, in the Parking Standards SPD, does not stipulate a required level of car parking but rather stating that it will be considered on a case by case basis. The site is located in a highly sustainable location in the town centre, close to a number of bus stops which are well within a reasonable walking distance and is also a short distance from the railway station. The applicant has suggested that given the town centre location, the nature of the development and the sustainable transport options available, the lack of car parking spaces should not give rise to concern.

The proposals include cycle parking for 34no. bikes on the ground floor of the proposals. These provisions are considered sufficient and easily accessible in compliance with Car Parking Standards SPD.

Officers would not disagree with this assessment and owing to the nature of the development, the highly sustainable location and the Highway Authority's response confirming no objection to the scheme, it is not considered that the development would result in any harm to highway safety nor would there be any detriment to residential amenity caused through parking stress in an area which is not residents parking only.

The development is considered acceptable in this regard and accords with Policies TR1 and TR3.

Ecological Impacts

Policy NE2 of the Local Plan seeks to protect designated areas and species of national and local importance for biodiversity and geodiversity.

The County Ecologist has been consulted on the application and notes that the information submitted confirms that there is no evidence of bats occupying any part of the building. The submitted report concluded that the buildings are not a current bat roost but recommends enhancement for bats through proposed bat boxes. However, Officers note that there was no evidence of bats, therefore such a condition is not considered reasonable nor necessary.

However, it recommended that advisory notes are attached to any approval relating to protected species.

The proposals are considered compliant with the aforementioned policies.

Biodiversity Net Gain

Policy NE3 of the Local Plan states that new development will only be permitted where it protects, enhances and/or restores habitat biodiversity. As of February 2024, there is a mandatory requirement to provide a 10% uplift in Biodiversity Net Gain. However, Officers note that the proposals fall within one the exceptions, as the development does not impact a priority habitat which is less than 25sqm. Consequently, as this exemption is present, there is no requirement for this additional information in the assessment of this application.

The works are also being carried out on existing hardstanding, therefore there is no net loss, in compliance with Local Plan Policy NE3.

Drainage and Flood Risk

A drainage strategy has been provided with this application which has been designed in accordance with SuDS principles and the LLFA, having considered this document, are satisfied with the content and confirmed they have no objection to the development, recommending planning conditions and advisory notes to be

attached to any forthcoming planning permission. The development is therefore considered to comply with Policy FW1 of the Local Plan.

Waste Management

A bin store is proposed to be located within the development, securely within the site and not readily visible from within the street scene. Waste Management have confirmed that the requirement would be for 2 x 1100 litre refuse bins, 2 x 1100 recycling bins and 2 x 140L waste wheelie bins, which the plans show is what would be provided within the development. To that end, there are no objections and the development is considered acceptable in this regard.

Planning for Climate Change Adaptation

The Council has declared a climate emergency. As part of this declaration, the Council is taking steps to becoming a net-zero carbon organisation. In addition, all efforts are to be made to reduce overall carbon emissions across the district to as close to zero as possible by 2030.

Policy CC1 of the Local Plan states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of adaptation measures such as:

a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.

b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1.

c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3.

d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2.

Applicants will be required to set out how the requirements of the policy have been complied with including justification for why the above measures have not been incorporated.

In addition to the above Local Plan requirements, the Council has produced a Net Zero Carbon Development Plan Document that sets out how all future development should achieve the Net Zero Carbon Standard.

Policy NZC1 requires new residential development to demonstrate a minimum of a 63% reduction in carbon emissions through on-site measures. Policy NZC2(A)

requires new developments of one or more dwellings to demonstrate a 10% improvement on the Part L 2021 Target for Fabric Energy Efficiency. Policy NZC2(B) requires new developments of one or more dwellings to demonstrate that additional renewable, zero carbon and low carbon energy technologies are provided on site to achieve the carbon reductions required by Policy NZC1.

In addition, Policy NZC3 requires new major development to demonstrate how the embodied carbon of the proposed materials to be used in the development has been considered and reduced where possible, including with regard to the type, life cycle and source of materials to be used.

Policy NZC4, relating to existing buildings, is not applicable in this case.

An Energy Statement has been submitted, following initial consultation with the Council's Senior Energy and Carbon Advisor, they raise no objection to the proposals, noting that the proposals are compliant with NZC1, NZC2(A) and NZC2(B). With Policies NZC3 and NZC4 not being applicable, although the applicant has demonstrated considerations against Policy NZC3 which is welcomed.

The Senior Carbon and Energy Adviser has advised that it is recommended to include a minimum 2% buffer over carbon reduction requirements, in anticipation of any potential issues with compliance post construction. Compliance with the NZC DPD would be verified prior to occupation and that would form part of the conditions in the event permission were approved.

On this basis, the development is considered acceptable in this regard because it is not fully compliant with the requirements of the Net Zero Carbon DPD and consequently, Policy CC1.

Section 106 obligations

As part of the application, a request has been submitted by the County Developer Negotiations and Contributions team, for contributions towards broadband and mobile connectively infrastructure.

Officers also note that Local Plan Policy BE5 states, '*Residential and employment developments will be encouraged to provide on-site infrastructure, including open access ducting to industry standards, to enable all premises and homes to be directly served by fibre optic broadband technology*'. Therefore, it is noted that such provision is encouraged rather than a requirement of the Policy.

Notwithstanding the above, Officers note that the nature of the proposals have not fundamentally changed from the previous two applications. Officers note that this is a resubmission, to which this wasn't requested previously. Therefore, it has been concluded that it would be unreasonable to ask for this now.

PLANNING BALANCE AND CONCLUSION

This application, which is a re-submission of a previously refused planning application, proposes the partial demolition of a Grade II* curtilage listed former coach house in the Royal Leamington Spa Conservation Area, the retention of its façade and its subsequent redevelopment with a four storey building to provide 7no. student apartments, totalling 32no. bedrooms.

With regard to the principle of development, insofar as the provision of new student accommodation in this location is concerned, this is considered acceptable in accordance with Policy H6.

It is considered that the proposal will result in less than substantial harm to the curtilage listed building, the setting of the nearby listed buildings on Parade, and the character and appearance of the Conservation Area which is not outweighed by the public benefits arising from the proposal. It is noted that the proposed extent of demolition of the curtilage listed building in this revised scheme represents an improvement overall to the previously refused scheme. It is however considered that the proposed demolition works will result in a loss of significance, form and character, severing the connection to the Grade II*-listed buildings on Parade, and that the proposed redevelopment, by reason of its height, scale, mass, bulk and design, will culminate in an unacceptable level of harm to the heritage assets. Whilst it is acknowledged that the level of harm in comparison to the previous scheme has been reduced, it is also important to note that any identified potential public benefits have also been reduced.

Whilst the level of harm identified from the extent of demolition is reduced to the lower end of the less than substantial spectrum, an assessment of the public benefits concludes that they are not sufficient to outweigh that harm. Further, the overall scale, mass and bulk of the new development is considered to amount to the overdevelopment of the site leading to visual harm to the character of the area.

Other matters, in relation to amenity, highway safety, parking, drainage, waste management, ecology and archaeology are considered to be acceptable.

For all of the reasons set out above, it is recommended that planning permission be refused for the reason set out below.

REFUSAL REASONS

1 Policy HE1 of the Warwick District Local Plan 2011-2029 expects development proposals to have appropriate regard to the significance of

designated heritage assets, stating that where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal. These same requirements are echoed in the NPPF at paragraphs 212 and 215.

Policy RLS3 of the Royal Leamington Spa Neighbourhood Development Plan (RLSNDP) requires development proposals that are either within or directly affecting a conservation area to assess and address their impact on their heritage significance paying particular regard to specified considerations as set out within the policy.

The proposal seeks to partially demolish but retain the façade of a Grade II* curtilage listed row of former coach houses within the Royal Leamington Spa Conservation Area, dating from the early-mid 19th century, which represent the sole survivor of the mews function that characterised the street. The proposal also seeks to redevelop the site with a four storey building, partially within the existing façade.

In the opinion of the Local Planning Authority, the proposed redevelopment, by reason of its height, scale and design, would cause less than substantial harm to the significance of the aforementioned designated heritage assets and no public benefits sufficient to outweigh this harm have been identified.

For these reasons the development is therefore considered to be contrary to the aforementioned policies.

2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design, echoed in the NPPF which places significant weight on ensuring good design which is a key aspect of sustainable development and which should positively contribute towards making places better for people.

In the opinion of the Local Planning Authority the proposal, by reason of its height, scale and design, would amount to overdevelopment of the site and would cause visual harm to the character and appearance of the area and the street scene.

For these reasons, the development is therefore considered contrary to the aforementioned policies.

Planning Committee: 16 June 2026 **Item Number:** 6

Application No: W 26 / 0091 LB

Registration Date: 23/01/26
Town/Parish Council: Leamington Spa **Expiry Date:** 20/03/26
Case Officer: Millie Flynn
01926 456140 millie.flynn@warwickdc.gov.uk

5-9 Tavistock Street, Leamington Spa, CV32 5PJ
Retention of existing facade and construction of a new building containing seven purpose-built student accommodation apartments (to provide a total of 32no. bedrooms) and associated works. FOR Ni Ann Ltd

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

RECOMMENDATION

Planning Committee is recommended to refuse Listed Building Consent for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Listed building consent is sought to partially demolish the existing two storey building at Nos. 5-9 Tavistock Street (otherwise known as 'Smack Nightclub') whilst retaining the existing façade and redevelop the site through the construction of a new four storey building containing 7no. purpose built student apartments, totalling 32no. bedrooms.

THE SITE AND ITS LOCATION

The application site comprises Nos. 5-9 Tavistock Street; a row of Grade II* curtilage listed red brick built two storey former coach houses, dating from the early-mid 19th century, which originally served the grander and more prominent buildings on Parade at Nos. 12-42, which are also Grade II* listed.

PLANNING HISTORY

The most relevant planning history to this latest application for listed building consent is summarised below.

W/25/0266/LB - Retention of existing façade and construction of new building containing nine purpose-built student apartments, to provide a total of 47no. bedrooms (re-submission of W/24/0377/LB) -***Refused and dismissed at appeal.***

W/24/0377/LB - Demolition of existing two storey nightclub building - ***Refused and dismissed at appeal.***

W/98/1068/LB - Re-instatement of roof and first floor structure, including air-conditioning and acoustic works, and installation of steel portal frame - **Granted**

W/98/0433/LB - Change of use and conversion of premises to a night club comprising demolition of internal walls, installation of windows into existing door openings; closure of doorways and windows; installation of new door and window openings and new external staircases - **Granted**

W/92/0970/LB - Demolition of existing buildings fronting Tavistock Street; erection of a two storey office building with courtyard and car parking - **Refused**

W/91/1065/LB - Demolition of existing buildings fronting Tavistock Street; erection of a two storey office building with courtyard and car parking area - **Refused.** Appeal submitted (Public Inquiry) but subsequently withdrawn.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- HE1 - Protection of Statutory Heritage Assets

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WDC Conservation: No objection in principle to some form of additions to the existing building but note that there is a degree of harm associated with the proposals, this is due to the loss of historic fabric. It is noted that as a result of the reduced scale of the scheme combined with the extent of demolition, the harm is clearly set within the lower level of less than substantial harm category, whilst public benefits are needed to be demonstrated to outweigh this and a clear and convincing justification is required.

Historic England: There are concerns regarding the application on heritage grounds which should be taken into account.

Public Responses: 5 support comments received, on the following grounds;

- Works are considered an improvement to the streetscene.
- There is little historic merit left of the building and bears no resemblance to its original form.
- Proposals would be a catalyst for change in Tavistock Street.

- The removal of the current use would be a benefit to those living close by.
- The Council don't have a 5 year housing land supply, therefore should support such schemes.
- The proposals will free up traditional family housing.
- The proposals will support local business.

ASSESSMENT

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

- Principle of development - *partial demolition and redevelopment of curtilage listed buildings*;
- Impact on heritage assets - *background, legislative framework, matter of curtilage listing and its significance, evidence to justify demolition, impact of the proposed development, assessment of public benefits and Historic England's assessment of the proposals*;

Principle of development

The principle of development is concerned not only with the extent of demolition proposed of a curtilage listed building but also the proposed redevelopment, which involves the erection of a new building within the existing façade essentially comprising a metal frame structure sitting inside the external walls.

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

The principle of development is, in part at least, intrinsically linked to the impact on the relevant heritage assets insofar as partial demolition of a curtilage listed building is concerned. The proposed extent of redevelopment and new build is also relevant to the principle of development, not only because it would be attached to the remaining fabric of a curtilage listed building, but also because it is the proposed redevelopment that necessitates any element of demolition of the original building.

For the purposes of considering the principle of development, it is considered that, subject to sufficient justification together with a suitable scheme for the redevelopment being presented, the extent of demolition proposed and redevelopment of the site may be considered acceptable in principle in accordance with Policy HE1, subject to a detailed assessment being made of the relevant considerations set out below.

Impact on heritage assets

Relevant background

The site comprises a range of Grade II* curtilage-listed former coach houses to No. 12-14 Parade, which fall behind the application site. These properties were historically used as houses, hotels and lodging houses, however by 1850 many had become shops. These original mews-type buildings provide an important contribution towards the character of the Royal Leamington Spa Conservation Area and, due to their increasing rarity, it is considered that these assets should be retained and adapted wherever possible. One of the key issues for consideration therefore is the extent of demolition of the curtilage listed buildings ; the reasoning behind this; and the impact of this upon the Listed Buildings and the Conservation Area.

The buildings in question historically contributed towards the original function and operation of the Regency properties along Parade. These former coach houses are the sole remaining reflection of the historic service road character of this section of Tavistock Street. It is noted however, that these buildings have been subject to substantial alterations and amendments that have impacted both their significance and character.

It has been demonstrated that the interior of the building has been stripped of all historic fabric, including walls, floors, fittings and features, with external fabric also having been subject to change. The roof structure has been altered, new apertures have been created in the elevations and windows have been replaced, and the parts of the building that remain are in poor condition, requiring extensive repair or rebuilding. During the course of the previous applications, there was broad agreement between the applicants, their heritage representatives and Officers including relevant heritage experts that, internally, the building was devoid of any remaining heritage significance. The appeal Inspector also noted these alterations and loss of historic plan form and fabric.

In spite of these alterations, it is crucial to note that both the Inspector and the Council continue to afford significance and value to this curtilage-listed heritage asset.

As opposed to the previously dismissed scheme one which proposed full demolition, this application proposes to retain the front façade and south elevation as original features of the building. It is still noted however that a large amount of demolition is required and as such, this element of the scheme must be carefully weighed due to the resulting harm from this loss of fabric.

In contrast to the lack of internal significance, the external elements of the building are considered to contribute to the historic architectural grammar of the former service road, being an important element of the setting of the Grade II*-listed buildings to Parade and the wider Leamington Urban Conservation Area.

The structure highlights Tavistock Street's original usage whilst also preserving a historic relationship with the Grade II*-listed buildings on Parade and as such, total demolition is not considered to be acceptable nor justified, a stance supported at appeal. In light of the internal condition, it is considered however that some demolition could potentially be acceptable, subject to an acceptable scheme of redevelopment coming forward, provided there is sufficient substantial justification to outweigh the harm and retention of fabric where possible.

To that end, the considerable degree of demolition necessary to facilitate the proposed redevelopment, resulting in the retention of the building façade will cause less than substantial harm to the character and appearance of the Listed Buildings and Conservation Area. In overall terms, that harm is potentially capable of being outweighed by the other aspects of the proposals subject to the proposed redevelopment proposals being of sufficient design quality within this highly sensitive location, and attracting sufficient public benefits to do so.

The remainder of this section of the report considers the proposals in that context.

Legislative and policy framework

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas, respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area…special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Local Plan, as set out earlier in this report, expects development proposals to have appropriate regard to the significance of designated heritage assets and where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Policy RLS3 of the RLSNDP requires development proposals that are within or directly affecting a Conservation Area to assess and address their impact on their heritage significance. Proposals must demonstrate attention to particular criteria (as specified in the policy) where relevant.

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, while para.213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The matter of curtilage listing and its significance

The appeal Inspector, in their decision letter established within the aforementioned appeals that the building at 5-9 Tavistock Street is to be considered as curtilage listed and as such, is offered the same protection and consideration as a listed building.

12-14 Parade - to the rear of the application site - were first listed on 19 November 1953, prior to 1 January 1969, when the law relating to curtilages first came into effect. The Inspector stated that the former stables and coach houses, with associated servants' accommodation, at 5 to 9 Tavistock Street originally served the large family homes located at 12 to 16 Parade (all even). However, societal changes meant the homes quickly changed to commercial uses at ground floor with flats above. Due to there no longer being a requirement for horsedrawn coaches, Nos 5 to 9 changed to separate unrelated commercial uses, including stabling. The original intimate physical and functional relationship between both sets of buildings therefore ceased in the early part of the 20th century.

The 1885 Ordnance Survey (OS) and Town Maps both indicate that the buildings at 5 to 11 Tavistock Street and the gardens between them and the properties at Parade were largely intact. However, following the sale of 12 Parade, a later map and aerial photograph from 1920 showed a larger area to the rear of No 5 to be subdivided. These also show outbuildings between the rear of 14 Parade and No 7, the configuration of which later changed to those in situ. While later OS Maps show the dividing walls between 14 and 16 Parade and Nos 5 to 9 to be in place until at least 1966, the walls were later removed to provide a service yard/car park between the uses in Parade and Tavistock Street. Indeed, the appellant's ownership is confined to the footprint of the appeal building.

Accordingly, while Nos 5 to 9 were not always in use ancillary to the listed buildings on Parade, they were ancillary to 14 Parade when it was listed as part of 12 to 42 Parade. There is no evidence to demonstrate that this did not continue, and that the layout changed considerably between them, on 1 January 1969. In conclusion,

even though Nos 5 to 9 were sold separately to 14 Parade in 1973, the Inspector concluded that they should still be treated as part of the listed building, because they were ancillary in 1969 and formed part of the listed building curtilage protection thereafter. On this basis, the Inspector reasonably concluded that Nos 5 to 9 form part of the listed buildings fronting Parade.

To summarise the background and context relating to the issue of curtilage listed buildings, , such buildings are treated as part of the listed building itself and accordingly any demolition and/or redevelopment of the coach house requires substantial justification and a demonstration of public benefits. This is considered in the remaining sections of this report.

Evidence submitted to justify demolition

The submitted Heritage Impact Assessment (HIA) is the same document submitted as part of the previous planning applications which were refused and dismissed on appeal. The assessment considers that the buildings hold very little heritage significance and that their demolition and replacement are justified and that any harm that would result is outweighed by the heritage benefits (and other public benefits) that would be delivered. To explain this further, the HIA states that any interest the buildings once held has been significantly depleted by subsequent alterations and use and they sit in an entirely changed context, such that the setting further depletes any significance the buildings may hold.

With regard to more recent planning history at the site, following a refusal of demolition and replacement in 1991, the roof has been replaced in its entirety, floors have been replaced, internal features and partitions removed and a steel structure inserted to support new floors and the walls. Windows have been blocked to facilitate the current use as a nightclub and changes made to the front elevation such that all that remains as evidence of the use as stables/coach houses are the entry points for wheeled vehicles.

The buildings represent, by their location, size and use of materials, one of the last surviving buildings of the former mews stables and ancillary accommodation of Tavistock Street however this historic character of the street as a service road has been lost. The Inspector noted the large-scale surrounding development and that the mews character had been subsequently overtaken, resulting in a location far removed from the traditional characteristics referred to in the Council's Royal Leamington Spa Conservation Area Appraisal (referenced by the applicant as 'A Guide to Conservation Areas' (AGCA) Document). The submitted HIA also states that the building is in poor condition, with signs of cracking and bowing.

It is therefore asserted in the HIA that any interest the buildings still hold can be preserved by record, with demolition providing the catalyst to regenerate this part of the conservation area, claiming that the point has been reached where

replacement would deliver significantly greater benefits than any form of retention. In this manner, demolition would be justified, with the subsequent level of harm referred to within the HIA as "very limited".

This loss of character in regard to elements of the building is recognised however it is not agreed that the building holds very little heritage significance and that the subsequent level of harm from demolition would be very limited. The Inspector noted the arguments proposed by the applicant and acknowledged that recording could be undertaken however also firmly stated that 'this does not mean a carte blanch approach to its alteration and/or demolition and replacement would be appropriate'. It was also noted that this did not means that 'the status quo should be preserved in aspic' but rather than any harm to the significance of the heritage assets will require clear and convincing justification.

This scheme now proposes a reduced amount of demolition which retains the principal elevation intact, with the façade often recognised as the most important and sensitive of elevations. The retention of the façade is welcomed however this scheme would still result in the loss of the roof, rear, interior and overall form. Whilst the rear-to-rear relationship of the ancillary building and the Grade II*-listed Parade townhouse has been severed by a carpark, the existing mews building still incorporates brickwork and slate roofing, which are synonymous with secondary streets behind Parade and as such, a legible relationship remains. As such, the proposed demolition is considered to sever this relationship and result in a level of harm, albeit at the lower end of less than substantial, which requires substantial justification. As set out earlier in this report, any extent of demolition can only be found to be potentially acceptable where it is necessary to facilitate a redevelopment proposal for which in overall terms, the public benefits outweigh the demolition's identified harm.

The impact of the proposed redevelopment

Support comments note that there is little historic merit left of the building which bears no resemblance to its original form.

Previously, whilst there were fundamental concerns founded in the total loss of the curtilage listed building, there were also issues regarding the design, height and scale of the proposed redevelopment and it was considered that the initial scheme would have an unacceptable impact on designated heritage assets, including their setting, contrary to the relevant provisions of the development plan.

In relation to one of the previous schemes, the Inspector observed that the building 'should not be preserved in aspic' and concluded that the loss and alteration of the structure would amount to less than substantial harm. That harm was weighed against a range of public benefits, including the provision of student accommodation, the closure of the existing nightclub as a potential 'bad neighbour'

use, improvements to the wider streetscene, and the prospect of acting as a catalyst for wider regeneration. However, whether assessed as total or partial demolition, the scheme was ultimately found wanting because it undermined and eroded the relationship with the Grade II*-listed buildings on Parade, and the scale and form of the proposed development failed to retain the site's historic character or any sense of subservience.

The applicant as part of this submission notes that the Inspector confirmed that there is scope to preserve significance by record prior to demolition, provided that the new proposals are sensitive to the buildings hierarchy i.e. the relationships established between Parade and Tavistock Street. The applicant further highlights that if this can be achieved, the level of harm would be reduced and that in their view, the currently proposed amendments achieve the right balance when considered against the less than substantial harm arising from the proposals. The applicant's statement also reiterates the Council's stance that the proposed changes must address the concerns raised by the Inspector.

The Council considers that the Inspector agreed that preservation by record is a potential avenue albeit one that must be carefully considered and which does not automatically negate the harm or impact arising from a proposal.

The applicant notes that the application property is not the only mews within this part of the Conservation Area, with other better-preserved examples locally, however Officers note this is now the only mews property on Tavistock Street, and therefore that attention should be paid to its significance in regard to the Grade II*-listed buildings to Parade, as well as within the wider street scene and Conservation Area.

The applicant states that the proposals are now lower in height than approved redevelopment at Covent Garden Car Park ref: W/17/1700, however Officers are mindful that this permission has since lapsed. Notwithstanding this, that site was located on the opposite side of the street to the application site and whilst within close proximity to nearby listed buildings, wasn't within the direct curtilage of any such buildings' such that the context of the site is not considered comparable. The applicant also compares the application site with the more modern bulkier development situated either side and whilst this is noted by Officers, the circumstances of those developments is not considered comparable.

Officers note that similarly to the appeal, the proposal will result in the loss of historic fabric. The applicants statement adds that the proposed development will establish a 'narrative' with the existing brick outriggers to the rear of Parade and is of an appropriate scale, responding to the functional hierarchy as addressed by the Inspector and at the same time responding to the changed and changing character and appearance of Tavistock Street.

They therefore conclude that to reduce the height further would result in the proposals appearing an oddity in scale, much like the existing building currently does. Officers note that whilst the proposals appear to have been slightly reduced in scale and altered in design, the proposal remains as a substantial four storey building. It is not considered that the height and scale of the building is appropriate as it is not reflective of the character of the street scene and would present an overbearing sense of scale in relation to this very specific and sensitive site.

The existing building on the junction of Tavistock Street/Clarendon Avenue is an exception in terms of height, with the majority of buildings on Tavistock Street being limited to two storeys. At four stories, the proposed height will be greater than that of the outriggers to Parade and as such, there is a lack of subservience, with the historic relationship of the curtilage and listed buildings being lost. This proposal is considered to continue to fail to achieve the retention of this relationship, balance and deference to the historic buildings on Parade or retain aspects of the sole remaining coach houses to this mews street, due to the proposed mass and form.

The Inspector gave weight and importance to the proportions of the existing building and its relationship with the conservation area, a stance with which the Council agrees. The harm from the previous scheme in terms of size, form and loss of relationship was considered to outweigh the public benefits that were identified in the previous scheme.

The form and mass of the scheme has now been reduced, due to the reduction in height by 2.6m, however consequently, one of the public benefits has also reduced, due to the reduced provision of 15no bedrooms. It is considered that notwithstanding that change to the form of the proposals, they continue to fail to preserve the relationship between the curtilage listed building and the listed building to Parade, as well as failing to preserve the mews style historic character of this area. This is because of the competing nature of the buildings which the proposals introduce.

The proposed use of materials is considered to result in development which reads as too heavy when compared with the original brick two storey facade. Thus, the proposal adds further bulk and mass to the redevelopment and is considered to be at odds with the ancillary nature of the original building.

Whilst the Council's Conservation Officer raises no objection to the principle of a form of development at the site, they do note that there is a degree of harm associated with the proposals due to the loss of historic fabric. It is noted that the now reduced scale of the scheme combined with partial retention, rather than full demolition, sets the harm within the lower level of less than substantial harm category. However, public benefits are required to outweigh this harm and clear

and convincing justification is required for any demolition. The Conservation Officer also raises some concerns regarding the proposed materials given the perceived bulk and mass this adds to the building.

Overall, whilst the retention of the façade is welcomed, it is considered that significant, less than substantial harm, , would be caused to the significance of designated heritage assets arising from the remaining extent of demolition proposed along with the form, bulk, design and materials of the new building. These assets include Grade II* listed buildings on Parade, the application site as a curtilage listed building, and also the Royal Leamington Spa Conservation Area. The NPPF makes it clear that less than substantial harm must be attributed significant weight and for a proposal to be considered acceptable, be clearly outweighed by public benefits.

Following the identification of the harm to the aforementioned heritage assets, an assessment of the public benefits is now necessary to establish whether or not such benefits could outweigh the level of harm. This is considered below.

Assessment of public benefits

Within the supporting information provided with the application, public benefits have been identified which the applicant considers would outweigh any identified harm to heritage assets. The applicant considers the level of harm to be at "the very lowest point of less than substantial".

These benefits are summarised below and considered in line with the previous submissions at the site and the relevant comments made by the Inspector.

1) Housing supply

Support comments state that the proposals will free up traditional family housing and that the lack of a 5 year housing land supply should result in such schemes being supported.

As part of the previous appeal the Inspector noted that the development would provide accommodation for multiple individuals and therefore, afforded this considerable weight as a social benefit of the scheme. The Inspector also noted that while the proposal could result in some existing housing stock in the district becoming available for family housing, the absence of any controls to ensure that, meant that this benefit could only be afforded very limited weight.

Further, as noted above the revisions to the proposals have reduced the number of students units from 9 to 7 and reduces the number of bedrooms from 47 to 32 which, if built, is asserted to free up 7 family dwellings elsewhere within the district which could be returned to open market dwellings. As indicated above, in

accordance with the appeal Inspector's reasoning, this potential benefit can only be afforded very limited weight.

The applicant has commissioned a report which investigates the demand for student housing in Leamington Spa. The key conclusions of that report are that there is a demand for student accommodation within the district, to which Officers can agree, to which weight can be attached. However, whilst the report takes into consideration recently approved purpose-built student accommodation (PBSA) schemes within Leamington, consideration has not been given to recently approved private PBSA schemes close to the University of Warwick approved by Coventry City Council, which are yet to be constructed and account for some 2,000 student beds.

2) The closure of the existing nightclub and removal of a potential 'bad neighbour' use.

As was the case with the previous application, it is asserted that the potential closure of a 600 persons capacity nightclub will remove a potential bad neighbour from the locality and provide a public benefit in terms of its proximity to neighbouring residential uses and disturbance by patrons on Tavistock Street. Support comments also consider the removal of the current use would be a benefit to those living close by.

In considering this, Officers have had regard to the fact that a nightclub has operated from this site since 1999. Supporting information submitted notes the number of complaints raised to Environmental Health with regard to noise from the permitted use.

The applicant has also submitted video evidence to support their case. Having liaised with the Environmental Health team, Officers have been able to establish that over the last seven years a total of fourteen noise complaints have been received, citing loud music, raised voices and noise from the nightclub. At appeal, the Inspector noted that the appellant confirmed that most stem from noise attenuation not being installed correctly where the Council had required it. Given this, none of those complaints are understood to have been subsequently continued or been substantiated. The Inspector further adds that the proposals would remove such use and the proposed accommodation would be managed to avoid student occupants causing similar problems. However, the Inspector afforded this matter limited weight, as a social and environmental benefit which is a material consideration in this case and to which Officers have no grounds to disagree.

3) Improvements to the streetscene

Support comments note that the proposals are considered to be an improvement to the streetscene.

Much of the applicant's case for demolition centres around the current character and appearance of Tavistock Street; its place within the Royal Leamington Spa Conservation Area, the site's contribution to the character of the conservation area and more fundamentally the fact that the historic significance of this street and its context has been depleted over the years. It follows that in the applicant's view, the proposal would serve as an improvement to the area and in this revised scheme it is asserted that the existing building is not attractive whereas the proposed replacement building, incorporating the retained façade, has been well designed by an award winning Architectural practice. Moreover, it is asserted that the new building will also mask the unattractive and unkempt elevation of the imposing blank southern façade of The Space, however Officers note it would do so with a scheme which is considered to be harmful. .

As will be explained further below, the proposed redevelopment scheme is not considered to be of a suitable design, scale, mass and bulk, within this sensitive context and therefore do not consider this to be a benefit of the scheme to which weight can be attached.

4) A catalyst for wider improvements

Support comments note that the proposals would be a catalyst for change in Tavistock Street.

Reference is made to the Council's own proposals for the redevelopment of a nearby site which, with the inclusion of replacement buildings up to 5 storeys in height, provided the catalyst for rethinking the character of Tavistock Street. It is asserted that this proposal will add to that approach.

Officers afford this limited weight. This is because, whilst a grant of planning permission for the current proposals may stimulate further development proposals, the planning permission referred to has expired without implementation and the current proposals are not considered to be an appropriate starting point for any such regeneration.

5) Securing a use for the Listed Building

In determining planning applications, the NPPF requires that local planning authorities take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against

the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF, paragraph 215).

Paragraph 221 of the NPPF states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disadvantages of departing from those policies.

As part of the submission of the application, the applicant states that the scheme involves the retention of the existing facade onto Tavistock Street and would secure the optimum viable use for the building, which is student accommodation.

Limited information relating to this has been submitted to support the applicant's case, in order to demonstrate that other uses have been explored and it is noted that the building currently remains in use as a nightclub.

Guidance on the optimum viable use for a heritage asset and how this is considered in planning decisions is provided within National Planning Practice Guidance. This states:

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

It is not disputed that a residential use would secure a viable use for the Listed Building. However, no information has been submitted to demonstrate that this is the only viable use and that the proposed redevelopment of the site is necessary to that end, particularly considering that the building remains in active use. Officers consider that

Given that the building continues in active use, it is not therefore considered that any significant weight can be given to this matter as a public benefit of the proposals.

Historic England assessment of the proposals

The views expressed by Historic England (HE) are material considerations and are summarised here for the avoidance of doubt.

The significance of the existing building is once more noted in some detail, as well as its contribution to the significance of the Grade II* listed buildings on Parade and the conservation area. The submission of amended plans which include the retention of the front elevation of the building and re-designed proposal is noted, however concerns are still raised with regard to the overall scale of the building. The upwards extension of two storeys would be a change from the subservient character of the existing building and would dilute the association of the former mews to numbers 12-42, as noted by the Inspector.

Furthermore, the height of four-storeys would be a sizable change from the predominantly two-storey street scene that currently exists on Tavistock Street. It is HE's view that this would amount to a lower level of less than substantial harm to the significance of the grade II* buildings and the Leamington Spa Conservation Area. It is further stated that the success of this scheme, and its ultimate contribution to this significant streetscene would depend greatly upon the use of high quality materials, finishes and close attention to design detail. Should the Council consider that public benefits of the proposal outweigh the harm to the heritage assets, then advice should be sought from the Council's expert heritage advisors in considering matters of detail, such as materials, glazing finishes, and fixtures to ensure the detail, quality and execution of the intended approach is achieved.

Conclusion on Impact on Heritage Assets

It is Officers' opinion that the proposed extent of demolition of the curtilage listed building in this revised scheme represents an improvement overall to the initially refused scheme, supplemented, importantly, by the retention of the façade of the building. However, the need for any demolition works at all is founded in the proposed redevelopment of the site and based on the comprehensive assessment above of the revised scheme, by reason of its height, scale, bulk and overall materiality, the proposals are not considered to read as a subservient addition to the form host buildings fronting Parade. Therefore, there are still concerns about the appropriateness of the new building works proposed at this site and their resulting impacts on designated heritage assets and their setting.

As note above, whilst the level of harm identified is now considered to amount to the less than substantial harm, to which the Inspector confirms this is now at the lower level of less than substantial harm, an assessment of the submitted public benefits. Officers conclude that the public benefits considered as part of this application are considered to carry limited or no weight, which are the same conclusions drawn by the Inspector at appeal. In the opinion of the Local Planning Authority, it is not considered there are any such public benefits demonstrated which would outweigh the harm.

SUMMARY/CONCLUSION

It is Officers' opinion that the proposal will result in harm to the curtilage listed building, at a level which is not outweighed by the potential public benefits. It is noted that the proposed extent of demolition of the curtilage listed building in this revised scheme represents an improvement overall to the previously refused scheme. It is however considered that the proposed demolition works will result in a loss of significance, form and character, severing the connection to the Grade II*-listed buildings on Parade, and that the proposed redevelopment, by reason of its height, scale, mass, bulk and design, will culminate in an unacceptable level of harm to the heritage assets. Whilst it is acknowledged that the level of harm in comparison to the previous scheme has been reduced, it is also important to note that any identified potential public benefits have also been reduced.

Whilst the level of harm identified from the extent of demolition is now considered to amount to a lower level of less than substantial, a recognised improvement when compared to the previous degree of harm identified as substantial, an assessment of the submitted public benefits has resulted in the same conclusions as previously drawn; that in the opinion of the Local Planning Authority, it is not considered there are any such public benefits demonstrated which would outweigh the harm and it is therefore recommended that listed building consent be refused.

REFUSAL REASONS

1 Policy HE1 of the Warwick District Local Plan 2011-2029 expects development proposals to have appropriate regard to the significance of designated heritage assets, stating that where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal. These same requirements are echoed in the NPPF at paragraphs 212 and 215.

Policy RLS3 of the Royal Leamington Spa Neighbourhood Development Plan (RLSNDP) requires development proposals that are either within or directly affecting a conservation area to assess and address their impact on their heritage significance paying particular regard to specified considerations as set out within the policy.

The proposal seeks to partially demolish but retain the façade of a Grade II* curtilage listed row of former coach houses within the Royal Leamington Spa Conservation Area, dating from the early-mid 19th century, which represent the sole survivor of the mews function that characterised the street. The proposal also seeks to redevelop the site with a four storey building, partially within the existing façade.

In the opinion of the Local Planning Authority, the proposed redevelopment, by reason of its height, scale and design, would cause less than substantial harm to the significance of the aforementioned designated heritage assets and no public benefits sufficient to outweigh this harm have been identified.

For these reasons the development is therefore considered to be contrary to the aforementioned policies.

Planning Committee: 16 June 2026 **Item Number:** 7

Application No: W 24 / 1438

Registration Date: 25/10/24
Town/Parish Council: Leamington Spa **Expiry Date:** 24/01/25
Case Officer: Erin Weatherstone
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Aldi, Shires Retail Park, Tachbrook Park Drive, Warwick, CV34 6RH
Application for Variation of Condition 2 (approved plans) of planning permission ref: W/21/0179 to amend access options; Variation of Condition 2 (plan numbers) of planning permission ref: W/21/0179, with principally the inclusion of Armco barrier alongside the highway, the addition of a substation and an amendment to the location of cycle storage which were granted as part of planning permission ref: W/22/0703; Variation of Condition 5 (BREEAM assessment) of planning permission ref: W/21/0179 to replace the requirement for BREEAM Very Good certification with the BREEAM GAP assessment and Stage 4 synopsis documents as granted by planning permission W/22/0450. FOR Aldi Stores Ltd

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The application is being presented to Planning Committee as it is recommended for approval, and more than 5 objections have been received and the Town Council has also objected.

RECOMMENDATION

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

Background

This application was considered by Members at the Planning Committee meeting held on 13 January 2026. Members resolved to defer the application pending further review and feedback regarding pedestrian safety within the application site, either from the Highways Authority or an independent consultant. Further comments have been now been received from the Highways Authority and the highways section of the Officer's report has been updated to reflect this.

The Officer's report has also been updated to include the further representations received following publication of the January Committed Report to incorporate the updated conditions proposed as part of the Update Sheet associated with that meeting.

DETAILS OF THE DEVELOPMENT

Planning permission (ref: W/21/0179) was granted for the demolition of the existing building and the erection of a retail food store with associated car parking, servicing and landscaping off Tachbrook Park Drive. Permission was granted, subject to conditions and a legal agreement which sought to secure a financial contribution for cycle infrastructure improvements and secure the use of the neighbouring 'Aldi' site to a non-food retail outlet.

This application seeks to make changes to the access arrangements to enable access for both customer and service vehicles from Queensway. It is noted that there have been two earlier variation of condition applications to the original planning permission which include refs: W/22/0450 and W/22/0703. This application seeks to incorporate the amendments to the original planning permission granted by both of these subsequent permissions for completeness.

THE SITE AND ITS LOCATION

The application site lies to the southwest of Royal Leamington Spa within the Urban Area Boundary. The application site comprises of the existing retail food building and associated access from Tachbrook Park Drive and access to the north proposed from Queensway. At the time of writing this report the retail use is operating.

The red line boundary also includes the parking area associated with the building to the northwest which is retail shop. The site is accessible from the A452 to the west which is one of the main routes connecting Royal Leamington Spa from the M40 motorway connections to the south. There are no close neighbouring dwellings to the site with the nearest residential properties located to the northeast. Surrounding units include other retail and commercial outlets, with the Shires Retail Park located to the southwest. To the northwest of the site lies the McDonald's and a public house (currently closed).

RECENT RELEVANT PLANNING HISTORY

W/22/0450 - Variation of Condition 5 (BREEAM assessment) of permission ref: W/21/0179 to replace the requirement for BREEAM Very Good certification with the BREEAM GAP assessment and Stage 4 synopsis documents - Granted 02/12/2022.

W/22/0703 - Variation of Condition 2 (plan numbers) of permission ref: W/21/0179 to allow for amendments to the approved site plan, principally the inclusion of Armco barrier alongside the highway, addition of a substation and amendment to location of cycle storage - Granted 02/12/2022.

W/21/0179 - Demolition of existing building and erection of a food retail store (Class E(a)) with associated car parking, servicing and landscaping, off Tachbrook Park Drive - Granted 10/09/2021

W/20/1464 - New vehicular access point, fencing and internal remedial works for site security - Granted 24/06/2021

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- NE5 - Protection of Natural Resources
- TC1 - Protecting and Enhancing the Town Centres
- TC2 - Directing Retail Development
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- Net Zero Carbon Development Plan Document
- NZC1 - Achieving Net Zero Carbon Development
- NZC2(A) – Making Buildings Energy Efficient
- NZC2(B) - Zero or Low Carbon Energy Sources and Zero Carbon Ready Technology
- NZC2(C) - Carbon Offsetting
- NZC4 - Existing Buildings
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection (10/01/2026).

No comments to make (22/11/2024 and 19/05/2025)

Neutral with comment, the Town Council welcomes the proposal by Highways of a 3m cycle/walkway (29/05/2025)

No comments (09/07/2025)

Warwick Town Council: Object for the following reasons:

- Highways safety- this area is under a lot of vehicular pressure due to ongoing renovation works at the two nearby roundabouts. To allow customer access via Queensway now risk creating a rat-run situation between Queensway and Tachbrook Park Drive. This in turn will lead to added pressure on roads which are already taking extra traffic.
- Awaiting WCC Highways Authority comments (06/12/2024).

Councillor Chilvers: Objects to the application and would like this application to be called to Planning Committee if officers are minded to recommend approval for the following reasons:

- The proposals in the diagram for pedestrians and cyclists crossing the extremely wide junction splay are completely insufficient. As the original WCC Highways objection notes, there is a high likelihood of pedestrian/ vehicular conflict if this was made a customer access. There is a pedestrian crossing only a few yards away in both directions, so this is regularly used. The splay will need to be significantly narrowed to make it safe for pedestrians and a raised table to be used to show that pedestrians and cyclists have legal priority close to the junction and for them to be safe to do so (some new markings have been made already, however planning permission has not been granted).
- The new pedestrian access proposed within the site is dangerous, it shows that pedestrians are expected to walk between vehicles and behind parked cars which may reverse. A pedestrian route will need to go the other side of park cars and then a right of way across the end of the car park adjacent to the store.
- There appears to be no provision for a cycle access here even though the site is close to multiple cycle routes.

Councillor Davidson: I am disappointed to see this application has been recommended for approval. Specifically, the opening of the Queensway/Aldi car park junction, a junction that was promised to residents to be barrier, and used for deliveries only.

This is a case where residents were promised that the traffic impact on their neighbourhood would be mitigated, by bringing cars into the store via the roundabout on Tachbrook Park Drive (through the industrial estate), rather than past residents' homes on Queensway. Both off the Europa Way roundabout(s) that County Council just spent millions of pounds on no less.

This reminds me of similar cases where conditions were put in to get the application through planning, and once residents get used to it, the developers try and push their luck. Just like at Chesterton Gardens, where they tried to change the road plan conditions, and at Warwick McDonalds where they requested, we remove the condition of opening hours. Both conditions put into place to protect the residents and communities.

How can we expect our residents to have trust in the system, when they are continuously lied to by developers, and let down by highways and planning? (13/01/2026).

WCC Ecology: The site plan notes that trees will be removed, but the application form identifies that these works are completed. If this is the case WCC Ecology have no representation to make (03/12/2024).

WCC Highways Authority:

Comments provided in response to the request from Members following the previous Planning Committee Meeting:

In terms of the internal footpath and rat-running, etc. these could impact public safety, as the site is open to the public, but not highway safety (as it is private).

In terms of rat-running, it is difficult to put an amount on it, as it may occur, it may not. If it did occur, the 2 accesses have sufficient spare capacity to not result in a detriment to the public highway and so any impacts would specifically be increased 'traffic' within the site and how that would impact pedestrians, etc. within the site. This impact could be argued to be minimal as any rat-runners would follow a specific route between the accesses and so the crossover between that route and routes pedestrians are taking is minimal.

And again, the footpath is a difficult one. If the site were adopted, we would not accept a painted footpath as it does not meet standards or provide sufficient separation between vehicles and pedestrians. And positioning it behind the parking spaces means that vehicles reversing have limited visibility of pedestrians approaching due to the proximity of adjacent parked vehicles. That being said, it is not uncommon for car parks to be laid out like this around the Country (same is provided at McDonald's opposite) and simply having the marked path is a betterment to the current layout in which there is none (27/01/2026).

Comments provided prior to previous Planning Committee Meeting:

No objection, subject to conditions and notes (22/05/2025).

The proposal includes the Armco barrier which has been granted by another application. Whilst there is no objection in principle this would result in contradictory plans (07/07/2025).

WCC Fire and Rescue: No objection and set out minimum standards which are required for access by fire service (11/04/2025).

WCC Lead Local Flood Authority: No comments to make and note that two conditions on W/21/0179 were not recommended by the LLFA (23/04/2025 and 07/07/2025).

WCC Landscape: No comments to make on the proposal (02/05/2025 and 14/07/2025).

WCC Arboricultural Officer: No objection (06/05/2025). The installation of the armco barrier falls within the Root Protection Areas of the retained trees on the site, this element will need to be carried out in accordance with the approved Arboricultural Method Statement to ensure the protection and long term viability of the retained trees (09/07/2025).

WDC Environmental Health: No objection (24/04/2025).

Public Response:

4 objections have been received from third parties which raise the following matters:

- Recommend extensive traffic modelling and reference to general traffic in order to avoiding the Shires Roundabout rather than redistributing traffic associated with Aldi
- No consideration seems to have been given to through traffic as a route choice as this route will be a short cut which will increase the danger to parked cars. This is an issue given the efforts taken to prevent this happening through the nearby Travis Perkins site.
- There is no justification for another access given the existing on Tachbrook Park Drive
- T junctions are bad at dealing with large volumes of traffic, the Tachbrook Park Drive roundabout is better at dealing with this
- Tachbrook Park Drive has no residents, it is just businesses so large volumes of traffic are not negligible but less disruptive, using Queensway will adversely affect the residents that live on Queensway.
- McDonald's receives large volumes of traffic and consideration needs to be made for managing interplay between Aldi and McDonalds if planning permission is granted
- The Aldi/Queensway junction is designed for HGV loading operations and is too large, not sign posted and not built with dropped kerbs and to rectify this will be expensive
- To allow this access will cause queuing traffic as the vehicles will try to turn across traffic entering the Europa Way roundabout.
- There are no benefits to local residents
- The proposed access is not safe for pedestrians and has no cycle specific access, even though it is on a cycle route which has not been considered.

ASSESSMENT

Principle of development

This application has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) which relates to development on land without compliance with conditions previously attached to a planning permission.

This proposal is for the Variation of Condition 2 (plan numbers) of planning permission ref: W/21/0179 to amend access options. The proposal also seeks to allow for amendments to the approved site plan associated with Condition 2 (plan numbers) of planning permission W/21/0179, with principally the inclusion of Armco barrier alongside the highway, the addition of a substation and an amendment to location of cycle storage which were granted as part of planning permission W/22/0703 and Vary condition 5 (BREEAM assessment) of planning permission W/21/0179 to replace the requirement for BREEAM Very Good certification with the BREEAM GAP assessment and Stage 4 synopsis documents as granted by planning permission W/22/0450.

As part of this assessment officers have fully considered the details associated with planning permission ref: W/21/0179 which was the original permission. This original description of development was 'Demolition of existing building and erection of a food retail store (Class E(a)) with associated car parking, servicing and landscaping, off Tachbrook Park Drive'.

As part of this assessment officers have also had regard to case law: Finney v Welsh Ministers & Ors [2019] EWCA Civ 1868 (05 November 2019), and consider that the operative part of the planning permission is for the development of the food retail store with associated works.

Officers have also had regard to all other relevant conditions attached to the planning permission.

When considering applications under section 73, the Local Planning Authority may only consider the question of conditions subject to which planning permission should be granted and:

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that

it should be granted unconditionally, they shall grant that planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

When considering the proposal, officers are satisfied that variation to the conditions, as proposed will not conflict with the operative part of the development.

The original planning permission was granted on 10th September 2021, however at the time of the officer's site visit, the building was complete and occupied. Planning conditions have also been discharged. There is therefore no evidence that the original planning permission is not extant.

Officers have also had regard to case law: Armstrong v Secretary of State for Levelling-Up, Housing and Communities & Anor [2023] EWHC 142 as part of the assessment.

The NPPG states that new issues may arise after the grant of planning permission which may require modification to proposals. The NPPG advises that where these modifications are fundamental or substantial a new planning permission will need to be submitted (001 Reference ID:17 a-001-20140306). Officers accept this is guidance only and it has been weighted on this basis within the officer's assessment.

When considering Section 73 of the Town and Country Planning Act 1990 (as amended) officers recognise that there is nothing which limits this application type to minor material amendments. The application process only limits the proposal to the matter of conditions, and the scope of the use is which considered to remain unchanged as part of this proposal.

Based on the information provided, officers have considered the impact of the proposal on its own merit. The principle of the development has already been established, and the officer's assessment below focuses on the amendments proposed as part of this application only.

All relevant material planning considerations are assessed below.

Highways Safety and Traffic Generation

The retail unit forms part of the Shires Retail Park, and the unit is currently occupied by Aldi. The parking area for the retail unit is not separated from the nearest retail unit located to the northwest.

The existing retail unit has two access points, a customer access point from Tachbrook Park Drive and a service access point located off Queensway. The existing customer access to the site is via a four-armed roundabout with the eastern arm leading to the site and western arm leading to the Leamington Shopping Park.

This application seeks to allow customers to access from the Queensway access point.

Policy TR1 seeks to ensure that development provides safe, suitable and attractive routes for all users and do not result in a detrimental impact to highway safety. Furthermore, Policy TR2 states that all large-scale developments which result in the generation of significant traffic movements should be supported by a Transport Statement, and where necessary a Travel Plan, to demonstrate the practical and effective measures to avoid the adverse impacts of traffic.

In addition, paragraph 115 of the NPPF seeks to ensure that development provides safe and suitable access for all users. Furthermore, paragraph 116 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

As part of the original application, WCC Highways Authority considered the overall impact of the retail store would be low on the basis of the re-assigned trips from the former Aldi store which this building replaced. As such a unilateral undertaking was linked to the planning permission to restrict the former Aldi site to non-food retail purposes. A revised contribution was also secured to the sum of £64,000 to provide two improvements to two sections of cycle network. The original scheme was considered to have an acceptable impact on the highways network, subject to a unilateral undertaking and Construction Management Plan (CMP). Officers do not consider that a revised legal agreement is required in this case as all the financial contributions have been secured, the construction phase has been completed and the former foodstore building has been demolished. The works have now been completed and therefore a CMP is also not considered to be required.

Local Plan Policy TR3 requires development to provide sufficient parking. This proposal does not seek to make any amendments to the parking proposed or the proposed restriction of the former Aldi as a non-food retail outlet which formed part of the evidence base for the parking provision. In light of this, the development is considered to have a neutral impact with respect to parking.

The existing service access is from Queensway, which is subject to a 30mph speed limit. A Transport Statement has been submitted to accompany the current proposal, and it concludes that suitable visibility would be achieved.

As part of the submission, traffic survey information was collected for both vehicular access points, as the service access was open and available for use at this time. However, it is accepted that these were not neutral periods but were undertaken at the times identified as there was a request for the barrier to be lowered on the Queensway access. The information collected identified a 55% use of the existing customer access and a 45% use of the service Queensway between 11:30-13:30 on Monday 27th May 2024 (which was a Bank Holiday).

The submitted Transport Statement recognises that the use of the Queensway access for customers may give rise to queuing on the highway, however based on the surveys carried out this was not sustained for the 5-minute periods investigated. The turning in and out of site was considered as part of the surveys and in summary it is considered that the use of the second access for customers has either a neutral or positive net benefit. The Transport Statement recognises that the trips in both directions out of the site of the Queensway access are likely to remove the need to travel through the Europa Way roundabout.

In conclusion, the Transport Statement considers that the proposal offers a net benefit to the operation of the Queensway roundabout as a second access would be expected to improve access and reduce travel distances for customers.

As part of the assessment a PICADY assessment was carried out which is a modelling assessment of priority junctions. This concluded that the site access junction at Queensway has been assessed as operating within capacity.

Initially WCC Highways Authority were not supportive of the proposal as there was no designated footway/ cycleway providing access to the site from Queensway and it was noted that the conflict at present would be low between pedestrians and vehicles as the Queensway access is for service vehicles only. WCC Highways advised that improvements would be required and queried how vehicles could be prevented from bypassing the roundabout and proposed signals at the roundabout at Europa Way.

In response to the development, third parties, the Town Council and a Ward Member have raised concerns regarding traffic by-passing the Europa Way Roundabout, lack of justification, raised concerns regarding the interplay between Aldi and McDonald's, the impact in terms of queuing and cycle and pedestrian safety.

During the course of the application further information was received in the form of two additional technical notes with plans. The further information included forecasting and information of the PICADY model and drawing measurements, details regarding the footpath and growth rates being used for the junction flows. The Technical Notes advise that a new footway will be provided to the north of the site boundary connecting into the existing footway/cycle way, road markings will be updated, the southern grassed area will be a section of footway with a route demarcated with paint and a dropped kerb. The gate posts will be re-positioned.

In response to the revised information, WCC Highways Authority has raised no objection, subject to conditions and notes. WCC Highways has advised that the additional modelling information has been reviewed and shows that the access would operate efficiently and with spare capacity and the use of the high economy Tempro growth factors is accepted as a robust assessment for the modelling purposes.

WCC Highways Authority have advised that the narrowing of the junction to reduce the crossing width and give priority to crossing and improved cycle provision form part of the Europa Way works (WCC-3) which are being carried out by the Highway Authority. The applicant is proposing to extend the footway between the site and WCC-3 works and provide a painted footpath through the car park to the store.

WCC Highways Authority consider the 3m footway can be conditioned and recommend that the painted footpath be on the other side of the car park and the space protected but have not objected on this point due to the fact the footpath is on private land. Further clarification has been sought from WCC Highways in relation to the painted footpath since the application was considered at the January 2026 Planning Committee. WCC Highways have advised that if the site was adopted a painted footpath would not be accepted as WCC as it does not meet the standards or provide sufficient separation between vehicles and pedestrians. It is further noted by WCC Highways that the proposed positioning behind the parking spaces means that vehicles reversing have limited visibility of pedestrians approaching due to the proximity of the adjacent parked vehicles. However, WCC Highways accept it is not uncommon for car parks to be laid out like this around the County (with reference to the McDonald Site opposite) and simply having a marked path is a betterment to the current layout where there is none.

Officers have considered the updated comments from WCC Highways and consider that the arrangement is not dissimilar to other retail car parking. It is further noted that the footpath will be a betterment to the existing arrangement. It is also noted that the footpath is the most direct route to the food store and any longer route

may deter pedestrians using this. Officers therefore do not raise an objection to the routing of the new painted footpath through the site on this basis.

The Highways Authority has previously queried the potential for rat-running through the site in order for drivers to avoid the new signals at the Europa Way roundabout. The applicant has noted that this did not appear to occur/cause issues during the period that the barrier was open and therefore would be unlikely going forward. The Highways Authority note this and have advised that even if it were to occur there should be capacity at the Tachbrook Park Drive roundabout to accommodate this and any potential issues created by through traffic would impact private land rather than the public highway. Since the consideration of this application at Planning Committee in January 2026 further clarification as been sought from WCC Highways Authority in relation to rat-running through the site. WCC Highways Authority has advised that it is difficult to quantify how frequently rat-running may occur, however if it did they have advised that both accesses have sufficient space capacity to not result in a detriment to the public highway so the impacts would specifically be increased traffic within the site and how it may impact pedestrians. They have advised that this impact could be argued to be minimal as any vehicles travelling between the two access points would follow a specific route and the cross over between the route and route pedestrians are taking is minimal. In light of these revised comments from highways officers do not raise an objection to this aspect of the proposal.

Amendments to the scheme included the incorporation of the previously approved Armco barrier for completeness and the Highways Authority therefore queried if this would create a conflict with the plans. Updated plans have been sought on this basis.

In light of the above and subject to conditions and notes, officers are satisfied that the development will not give rise to harm to highways safety having regard to Policies TR1 and TR2 and paragraphs 115 and 116 of the NPPF.

Residential Amenity

The closest neighbouring properties to the site lies to the northeast of the site set along Queensway. In response to this application concerns have been raised regarding the impact of the access to the residents along Queensway.

Policy BE3 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents or

which does not provide an acceptable standard of amenity for future users or occupiers. The Explanatory text states regard should be given to loss of privacy, loss of sun/daylight, visual intrusion, noise disturbance and light pollution. Furthermore, guidance is set out in the Council's Residential Design Guide SPD.

There are no close neighbours which are likely to be adversely impacted through adverse overbearing or overshadowing impacts.

As part of the original application, a condition was added to ensure noise from plant and machinery did not impact on neighbouring residential amenity. Hours of deliveries condition and a construction management plan condition were also recommended.

As part of this application Environmental Health have been consulted and they have raised no objection to the development in relation to any aspects which would include noise and disturbance.

In light of the above, subject to conditions which relate to hours of delivery and plant and machinery officers consider that the development will accord with Local Plan Policy BE3 in this regard.

Climate Change and Mitigation

Since the original planning permission was determined, the Council's Net Zero Carbon DPD has been adopted (15/05/2024) and the policies within it are considered to be a material consideration as the DPD now forms part of the Development Plan. As the development does not seek to change the size or layout of the building it is not considered that the DPD will impact the extant planning permission. No additional information is required on this basis.

The BREEAM assessment was considered as part of application W/22/0450 and officers consider it reasonable to tie this information in.

All other material considerations

Since the application was determined there have been updates to the NPPF, which is a material change.

Notwithstanding the above, by reason of the changes proposed over and above the extant planning permission officers are satisfied that the proposal will not give rise to any other material impacts on the character of the area including trees, residential amenity, flood risk, air quality, contaminated land, waste, ecology and

biodiversity or any other matters assessed as part of the original application which have not been expressly considered in this assessment.

Conditions update

Since the determination of the original planning application a number of the conditions have been discharged. Officers therefore consider it reasonable to update the wording of the conditions to tie this into the approved information to negate the need for information to be re-submitted.

Works have also commenced on the development, as such the requirement for condition 1 (time) is therefore no longer necessary. Furthermore, the Tree Protection and Construction Management Plan are no longer required as the retail unit is now occupied and Armco barrier installed. Condition 21 on planning permission W/22/0703 is also not required as vehicle restraint system is in place.

There have been a number of variation of condition applications on the site and this proposal seeks to consolidate all the information into one planning permission.

Contributions/ Legal Agreement

The original planning permission was subject to a legal agreement which tied the development to the former retail unit and secured contributions. The financial contributions have been secured, the building constructed and the former retail unit has now been demolished. Officers therefore do not consider it necessary to secure a revised legal agreement on this basis.

Conclusion

This application seeks vary the approved plans condition of the original planning permission ref: W/21/0179 to make changes to the access arrangements to enable access for both customer and service vehicles from Queensway.

Officers are satisfied that the development will fall within the operative part of this planning permission and the scope of the use granted.

Subject to conditions and notes, officers are satisfied that the development will not give rise to harm to highways safety having regard to Policies TR1 and TR2 and paragraphs 115 and 116 of the NPPF. Furthermore, officers do not consider

that the proposal will give rise to adverse impacts on residential amenity subject to conditions having regard to Policy BE3.

Subject to updated conditions to reflect the changes proposed and the information approved, officers do not consider that the development will give rise to any other material planning harm having regard to the NPPF and Development Plan.

In light of the above it is recommended that planning permission be granted for the reasons outlined.

CONDITIONS

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

H20A40-P010 (floor plan), H20A40-P011 (roof plan), H20A40-P021 (elevations), H20A40-P030 (sections), H20A40-P040 (visuals), MEL-467-001-P3 (soft landscaping scheme), submitted on 29th January 2021, and 21924 THPK 00 XX DR A 0002 submitted on 15th December 2025, and specification contained therein.

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

2 The development shall be carried out in full accordance with the approved details set out in the information by Stoas Architects received by the Local Planning Authority on 11/04/2023.

Reason: To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.

3 The development shall be operated in accordance with the approved Sustainability Statement received by the Local Planning Authority on 10/09/2021 and approved on 25/11/2021. The development shall operate in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2021).

4 The drainage details as received by the Local Planning Authority on 15/11/2021 and 13/10/2021 and approved on 14/03/2022 shall be implemented in accordance with the approved drainage details.

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

5 Prior to the carrying out of any hardstanding works around the Queensway access, details of an updated hard landscaping scheme, which take into account the changes to the access, shall be submitted in writing to the local planning authority for approval. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the approval of the details.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

6 The development hereby permitted shall be carried out in accordance with the air quality mitigation measures outlined within the BWB technical note (Ref. ALS-BWB-VUT-ZZ-RP-G-0001_TN, Rev 2, dated 8th June 2021). The electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

7 The development shall be carried in accordance with the Travel Plan measures prepared by Connect Consultants received by the Local Planning Authority on 31/10/2023 (LPA reference DOC/23/0009) and approved by the Local Planning Authority on 06/12/2023.

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick

District Local Plan and the Air Quality and Planning Supplementary Planning Document.

8 No deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2100 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays.

Reason: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

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

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

10 The use of the lighting for the approved development shall be carried out and operated only in full accordance with the external lighting report and specification document prepared by Building Management Technology (Ref. B3621 (79_E1461), Issue A, dated 11th January 2021) and lux plot drawing (Drawing No. 79_E1461-BMT-XX-XX-DR-E-0105-A3-P01).

Reason: To ensure that any lighting is operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

11 The development hereby permitted shall be carried out in accordance with the surface water maintenance plan which submitted to the Local Planning Authority on 17/03/2022 and granted on 20/06/2022.

Reason: To ensure the future maintenance of the sustainable drainage structures.

12 The development shall be carried out in accordance with the approved material details which were submitted to the Local Planning Authority on 08/11/2021 and approved on 10/11/2021.

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

13 The development shall be carried out in strict accordance with the approved finish floor levels received by the Local Planning Authority on 13/10/2021 and approved on 10/11/2021.

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

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

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

15 The approved water supplies and fire hydrant scheme received by the Local Planning Authority on 11/04/2022 and 02/03/2022 and approved on 11/05/2022 shall be installed prior to occupation of the building and retained thereafter.

Reason: In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

16 The development hereby permitted shall be carried out in strict accordance with the approved soft landscaping scheme. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the

development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

17 The development hereby permitted shall be carried out to wholly accord with the detailed mitigation and enhancement measures as set out in the document 'Ecological Mitigation Strategy' (Revision B) prepared by Middlemarch Environmental Ltd.

Reason: To ensure that protected species are not harmed by the development in accordance with the requirements of policy NE2 of Warwick District Local Plan 2011 - 2029. In order to discharge the condition above, a brief report from an ecologist following the bat and bird box installation must be submitted to and approved by the Local Planning Authority (with advice from WCC Ecological Services).

18 The car parking and manoeuvring areas, and cycle parking areas as indicated on the approved drawings shall be provided and thereafter those areas shall be kept marked out and available for such use at all times.

Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

19 Notwithstanding the approved plans the Queensway access shall not be brought into any use apart from deliveries until the footway/cycleway has been extended to provide a 3m shared route for pedestrians/cyclists from the existing provision connecting to the red line.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

20 The Queensway access shall not be brought into any use apart from deliveries until the footpath and other lining as shown on plan 20017 – SK20250403.1 has been laid out on site.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 16 June 2026 **Item Number:** 8

Application No: W 25 / 1018

Registration Date: 19/09/25
Town/Parish Council: Barford **Expiry Date:** 14/11/25
Case Officer: Millie Flynn
01926 456140 millie.flynn@warwickdc.gov.uk

Glebe Hotel, Church Street, Barford, Warwick, CV35 8BS
Change of use of former Glebe Hotel (Use Class C1) to single dwellinghouse (Use Class C3). Works include demolition and erection of single storey side extension and other associated works and landscaping FOR Dr S Sidhu

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the change of use of the former Glebe Hotel (Use Class C1) to a single dwellinghouse (Use Class C3). The works include the demolition of later extensions to the hotel including conservatory, and the erection of a new single storey side extension and other associated works and landscaping.

Amendments have been made throughout the course of the application to overcome the concerns raised by consultees. Initially there were two applications at the site, this one and an associated application under W/25/1037, which was for 2no. separate dwellings within the garden of The Glebe. However, that application has since been withdrawn. The red line boundary for this application has been extended as a result and an amended site location plan provided to reflect this.

THE SITE AND ITS LOCATION

The application relates to the Glebe Hotel, a part two and part three storey Grade II listed building, located within the growth village of Barford. A Grade II listed dovecote is located within the wider blue line site boundary. The site is located within the Barford Conservation Area, and a number of listed buildings lie within close proximity to the site, including the Church of St Peter to the south of the site, which is Grade II* listed. A large Cedar tree located in the parking area at the front of the site is benefits from a Tree Preservation Order.

PLANNING HISTORY

There have been various previous applications for alterations and extensions to the hotel. Those which are relevant to the consideration of this application are listed below:

- W/21/0383 & W/21/0384/LB - Redevelopment of former Glebe Hotel, including partial demolition and conversion of 2no. dwellings; demolition of contemporary extension and development of 9no. apartment buildings; demolition of 7 Church Lane and development of a further 7no. mews dwellings to the rear and conversion of dovecote, including new access, car parking, bin stores, cycle parking, landscaping and associated infrastructure - Withdrawn.

- W/21/2042 & W/21/2043/LB - Redevelopment of former Glebe hotel, including partial demolition and construction of 4no. dwellings and conversion to 4no. apartments; including new access, car parking, bin stores, cycle parking and associated infrastructure - Dismissed at appeal.

- W/22/1407 & W/22/1408/LB - Redevelopment of former Glebe hotel, including partial demolition and construction of 4no. dwellings and conversion to 4no. apartments; car parking, bin stores, cycle parking and associated infrastructure - Allowed at appeal.

W/25/1037 - Demolition of extension to the former Glebe Hotel and construction of 2no. dwellings - Withdrawn.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- HE1 - Protection of Statutory Heritage Assets
- FW1 - Development in Areas at Risk of Flooding
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- FW3 - Water Conservation
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)

- Net Zero Carbon Development Plan Document
- NZC4 - Existing Buildings
- Barford Neighbourhood Development Plan 2014 - 2029
- B1 - Future Housing Development
- B2 - Ensuring an Appropriate Range of Tenures, Types and Sizes of Future Housing and Meeting Local Housing Need
- B6 - Heritage Assets
- B7 - General Design Principles
- B8 - Biodiversity and Design Principles
- B11 - Traffic Management
- B13 - Parking
- Barford Village Design Statement (September 2009)

SUMMARY OF REPRESENTATIONS

Barford, Sherbourne & Wasperton Parish Council: No objection to the principle of the change of use, however, make the following comments;

- It is important that all measures are taken to protect the Cedar tree and its surrounding area, in particular, the Root Protection Area as detailed in the supplied report.
- The Dovecote is included within the Listing. Due to its age, and the history of prolonged neglect in its upkeep, the structure and foundations will be fragile and susceptible to damage. A protection zone should be imposed to avoid any potential harm that could be caused during construction of the proposed swimming pool.

- Consideration should be given to the potential impact of noise and nuisance on close neighbours from the proposed swimming pool.

Amended consultation comments - No objection, subject to the staircase being retained.

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

Conservation Officer: No objection, subject to condition.

WCC Archaeology: No objection.

WCC Highways: No objection, subject to condition.

Historic England: No objection.

WCC Public Rights of Way: No objection.

Environmental Protection: No objection, subject to condition.

Waste Management: No objection.

Tree Officer: No objection, subject to condition.

Public Response - 10 objections received on the following grounds:

- Several schemes at the site over time
- Non-compliance with the proposals allowed at appeal
- Highway safety concerns regarding the installation of a second access
- Demolition works have commenced
- Impacts of proposed swimming pool on heritage assets
- Noise impacts from swimming pool
- Amendments to the garden on No.7 Church Lane
- Overlooking & loss of privacy
- Noise and disturbance during construction works
- Impacts on Cedar tree
- Overdevelopment
- Discrepancies between drawings and initially submitted Design and Access Statement and Heritage Statement.

Principle of Development

Loss of visitor accommodation

Community facilities are defined within the Local Plan as uses within the former D1 Use Class, such as places of worship, dental and medical surgeries, community halls, local education facilities, creches and nurseries. Community facilities also include some local convenience stores and public houses. The Neighbourhood Plan identifies a number of community facilities which are protected by Policy B15 of the plan, which include the village shop, memorial hall, church, public houses, allotments, orchard and walk, playing fields, scout hut, village green, telephone box and war memorial. Community facilities do not include hotels for the purposes of the local and neighbourhood plan.

There are no applicable Local or Neighbourhood Plan policies which restrict the loss of hotels outside of the Town Centres. Therefore, this element of the scheme is considered to be acceptable in principle.

Five Year Housing Land Supply – Tilted Balance

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purpose of this application includes the Local Plan. Due to the absence of a Five Year Housing Land Supply, the policies most important for the determination of this application are deemed to be out of date for the purposes of decision-taking.

Paragraph 11(d) of the NPPF indicates that, in such circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Particular regard is to be had to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Therefore, for the purposes of this application it is considered that the tilted balance is engaged.

Dwellings in this location

Local Plan Policy H1 states that new housing will be permitted in Growth Villages and Limited Infill Villages as set out in the Local Plan.

Policy B1 of the Neighbourhood Plan directs new housing to the preferred sites identified within the Plan or where the development does not conflict with the policies of the Plan, in particular where it would not lead to the loss of open space, key views, shops or other local facilities; it has appropriate access; and where parking is in accordance with policy B13. The application site is not located with the preferred sites identified within the Neighbourhood Plan for new housing. However, the Neighbourhood Plan only considers preference, not requirement. As noted above the new housing will be permitted within Growth Villages and the site lines within the growth village of Barford.

Paragraph 11d) of the NPPF also refers to making effective use of land and providing affordable homes. Paragraph 129 of the NPPF states that planning decisions should support development which makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting. This aspect will be assessed within the character section below. In compliance with Neighbourhood Plan Policies B6, B7, B8, B11 and B13, the proposals must provide appropriate access and parking arrangements, respect the local character, design and heritage assets. Subject to further assessment below, the principle of development is considered acceptable.

Impact on Heritage Assets

Section 72 of the Town and Country Planning (Listed Building and Conservation Areas Act) 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan mirrors the above requirements of the NPPF. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting,

or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Policy B6 of the Neighbourhood Plan states that all new development within the Conservation Area and within the setting of a listed building will be expected to preserve and wherever possible enhance the positive attributes of the heritage asset. Development will not be permitted which has a detrimental impact on the character of the Conservation Area or setting of a listed building.

The application property is a Grade II early 19th century listed building. The listing entry describes the simple, yet decorative features which are found predominantly on the original front elevation of the building. The listing also notes the original staircase and marble chimney pieces.

There are other listed buildings nearby to the application site, including a Grade II listed dovecote within the red line of the site plan and Grade II listed cottages opposite the site. To the south of the site lies Grade II* listed Church of St Peter.

The Conservation Area appraisal for Barford identifies that the character of the village is defined by the diversity of the historic properties. As the character relies on the diversity of historic building types, it is important that each are maintained to a high standard; poor quality alterations or extensions should not be permitted. The Conservation Area appraisal references large properties in their own grounds and that infill dwellings should be strictly limited. The appraisal also notes significant important views along Church Street, including that of the Parish Church.

As part of the previous application, Historic England noted that the Glebe Hotel was most likely built as the rectory for the nearby church. They stated that it is an elegant red brick house with later extensions to the rear which were added to accommodate the hotel use from 1948 onwards. The significance of the building is recognised by its listing at Grade II.

The proposals seek to the change the Glebe Hotel to a single dwellinghouse. As part of the formal submission, the works sought to continue with the demolition approved at appeal under application ref: W/22/1407 & W/22/1408/LB, demolition of conservatory to the south elevation and erection of new single storey extension, as well as installing a swimming pool to the rear garden on the property, removal of internal historic staircase and amendments to the fenestration of the property. However, the proposals have since been amended to address the concerns raised by consultees.

Officers note that the demolition works were approved at appeal, therefore this fallback is given significant weight and is considered acceptable. Furthermore, Officers raised no objection to the replacement of the existing conservatory, however it was noted that the replacement was not lightweight in appearance,

with the proposed extension having a notably greater bulk and mass than the existing conservatory. The proposed depth of the footprint was also greater than the existing, therefore it was suggested that this be reduced in order to not detract from the architectural qualities of the front elevation. Amendments have been secured to introduce a lightweight structure, which sits comfortably below the eaves of the Glebe, without compromising the buildings historic integrity.

Members of the public and the Conservation Officer raise concerns regarding the proposed swimming pool within the rear garden of the site, due to its close proximity to the Grade II Listed Dovecote, which is listed within its own right. The swimming pool would introduce an alien feature and would permanently alter the setting around the listed Dovecote. Whilst the proposals have been amended throughout the course of the application to relocate the swimming pool, after further consideration it was noted that there are no public benefits to outweigh this harm, on this basis the swimming pool has been omitted from the proposals. It should be noted as part of this application, the applicant has chosen not to carry out any works to the Dovecote.

The formal submission saw the replacement of an historic staircase, which is explicitly mentioned in the listing entry and although it is debatable whether it is original, the staircase is clearly historic and not modern in construction. Therefore, its removal was not supported as this would clearly harm the significance of the listed building and its special interest. The proposed design of the replacement staircase, in addition to the materials proposed, was not considered appropriate for a Georgian building. The existing staircase retains a degree of historic interest and insufficient justification has been presented for its proposed removal. Therefore, such works have been omitted from the scheme, and the existing staircase is to be retained.

Initially, Officers consider the proposed external openings not to be appropriate by way of design upon the north elevation. Although this is not a principal elevation, the double doors and glazed screens proposed were considered too modern in appearance and are not considered to relate well to the Georgian character of the building. It was considered that openings on this elevation should be kept to a minimum with daylight provided by windows of traditional design and arranged in a symmetrical fashion to relate to the upper windows. Amendments have been submitted in order to address the concerns raised above. The proposed openings are now sympathetic additions, which reflect the historical form of the building.

Officers consider it both reasonable and necessary to impose a condition securing the submission of the sample materials. Further securing large scale details for both windows and doors, with single glazing to be used on all historic elevations. A condition will also ensure that all rainwater goods shall comprise of metal and painted black and that any new rooftiles are to be of domestic slate.

The Conservation Officer raises no objection to the amended proposals.

The proposed development is not considered to result in harm to the character and appearance of the Listed Building and would accord with the relevant national and local policies in relation to heritage assets.

The proposed development is therefore considered to comply with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Local Plan Policies BE1 and HE1 and Neighbourhood Plan Policy B6.

Design

Policy BE1 of the Local Plan and policy B7 of the Neighbourhood Plan seek to ensure that development proposals achieve a high-quality design. New development should enhance and reinforce local distinctiveness, and show clearly how the general character, scale, mass and layout of the site and buildings fits within the character of the area. Local Plan policy NE4 states that new development will be permitted which positively contributes towards landscape character. Development must consider landscape character, including the local distinctiveness of the different natural and historic landscapes and character. Development must relate well to local built form and enhance key landscape features; detrimental impacts on features which make a significant contribution to character, history and setting of an asset should be avoided.

Reference within policy B7 is also made to the Barford Village Design Statement. The use of appropriate materials, fenestration and roofline should also be adopted, to compliment the design of a development and add to its quality. The use of locally sourced, reclaimed materials are encouraged. Building for Life 12 criteria should be taken into account.

Neighbourhood Plan policy B8 requires that all new development proposals to demonstrate consideration of the existing pattern of open spaces, preservation of protected views, the protection of mature and established trees where possible, and where possible incorporate SUDS. Policy B8 of the Neighbourhood Plan also states that mature and established trees should be protected and incorporated into schemes wherever possible. Existing hedgerows should be retained.

In terms of the Village Design Statement, the site lies within Zone 1, which is in the village core. The historic heart of the village affords a very attractive prospect where new and old blend well together. There are properties in a mixture of periods, styles and frontages. Some dwellings have quite large areas of land; others only have small courtyards. Specific design guidance for this zone, includes protection of the quality of frontages. Extensions to pre-20th century properties must not damage their historic integrity and materials and design should match the existing as far as possible.

The Design Statement also notes that there is some limited scope for infill housing development in Zone 1. Any development will need to be designed very carefully to retain the character of the Conservation Area and setting of any adjacent listed buildings.

The NPPF calls for the creation of high quality, beautiful buildings and places, which have a high-quality standard of design.

The Glebe Hotel is an impressive three storey building, with a modest and fairly simple two storey side extension with sympathetic fenestration. The impact of the extensions to the building were further softened within the street scene as a result of the existing soft landscaping in the form of trees and hedgerow along the boundary which screen some of the site, along with areas of soft landscaping within the existing parking area, including an impressive cedar tree.

Church Street consists of a mixture of styles of dwellings. Immediately opposite to the site is a brick boundary wall serving the garden area of a neighbour's property, there are also modest two storey brick and rendered dwellings nearby to the site. Within the wider street scene there are larger detached dwellings, with some variety in character. However, the village core has a quaint character, with a traditional sense of place. The Glebe Hotel stands as an important prominent feature in architectural terms, which is highlighted by its listed status.

As noted above, amendments have been secured in order to address the concerns raised by Officers. The works now include demolition of the modern hotel extensions, a single storey side extension, amendments to fenestration and landscaping across the wider site.

The Inspector for the most recent appeal noted that the proposals removed the historic sprawling extension to the north of the Hotel. The amended proposals also seek to reduce the number of external alterations when compared with the appeal approval. The proposed single storey side extension sits comfortably against the building when viewed from the wider streetscene. The lower eaves, coupled with the sympathetic palette of materials reduces the overall bulk of the structure and the use of detailing is considered to be appropriate within the wider context of the site.

Whilst new openings have been added, the property still benefits from a level of symmetry which would not be out of keeping.

Officers note that whilst an element of hardstanding has been retained to the front of the application property, it is noted this as existing and therefore introduced no further visual harm. The proposal would remove hardstanding around the root protection area of the Cedar tree, which can lead to compaction of soil and aeration, and potentially increase its lifespan. The tree makes a significantly positive contribution to the setting of the Hotel and the Conservation Area's character and appearance. The hedgerow experienced alone Church Lane is to be retained as this form an integral part of the wider streetscene and the views towards The Glebe.

For the above reasons, I conclude that the proposal would constitute high quality design and so would preserve The Glebe Hotel, including its setting, and the character and appearance of the Conservation Area. For the aforementioned

reasons, the proposed development is considered to comply with Local Plan policies BE1 and NE4, or Neighbourhood Plan policy B7.

Archaeology

WCC Archaeology note that the application site lies within an area of significant archaeological potential, fronting onto Church Street and within the probable extent of the medieval settlement of Barford. Archaeological fieldwork undertaken approximately 500 m to 700 m to the west and southwest of the proposed development has identified for Mesolithic, Bronze Age, Iron Age and Romano-British and Anglo-Saxon activity. There is therefore potential for this site to contain archaeological remains from the prehistoric periods through to the Roman, medieval and post-medieval periods.

The County Archaeologist notes a program of evaluative archaeological fieldwork undertaken in advance of this application, for a previous approval, identified a pit, possibly medieval in date, a small post-medieval drainage ditch and postholes which were interpreted as most likely being post-medieval or modern. It is noted that the swimming pool has been omitted from the proposals. On this basis, the proposals are unlikely to have a significant archaeological impact. As such the County Archaeologist raises no objections.

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

Impact of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide adequate living conditions for future occupiers

Policy BE3 seeks to ensure that the residential amenities of the occupiers of neighbouring residential properties are not harmed by proposed development. Policy BE3 also requires that development must provide acceptable standards of amenity for future occupiers of the development. The NPPF calls for a high standard of amenity for new development. The Residential Design Guide SPD (RDG) provides guidance on separation distances between dwellings as well as garden sizes and design.

There have been objections from members of the public regarding the impact of the development on neighbouring amenity, namely a loss of privacy, overlooking, overdevelopment, noise and disturbance from the swimming pool. Comments are also raised regarding the amendments to the garden of No.7 Church Lane.

Impact on Neighbouring Amenity

The application site is fairly constrained in terms of neighbouring residential properties. With that said, the hotel had been substantially extended over the years, in some cases within close proximity of neighbouring properties. Officers note that the proposed demolition will significantly reduce the built form for the main building. As noted above, the proposal does not seek to extend or alter the building in a way which would result in further harm to neighbouring uses, with

only a single storey side extension being added. Therefore, it is not considered that the works would result in the overshadowing of neighbouring residential uses.

The proposals for the Glebe include side facing windows serving habitable rooms. Whilst the Council does not have a minimum depth for gardens from the rear of a property, taking the Council's minimum distance separation, as set out in the Residential Design Guide SPD, between back to back relationships for two storey dwellings, they are usually provided with a garden of 11 metres depth each in order to achieve the required distance separation of 22 metres. After further assessment, Officers note that the distance from the side facing windows serving habitable rooms and the shared boundary at New Milll House is 32.5m, therefore well above the required separation distance set out in the RDG SPD.

Officers are satisfied that by reason of the location and design that the proposals will not result in an unacceptable overbearing, overshadowing or overlooking impact on the amenity of neighbouring residential units, as the proposals do not seek to add any further windows beyond the existing arrangement. Officers give weight to the existing arrangement at the site; therefore, the proposals would not result in additional harm to neighbouring uses.

Concerns have been noted regarding the reduction in private amenity space for No.7 Church Lane, it should be noted that the property is under the same ownership as the Glebe, therefore this is considered acceptable. Notwithstanding this, as per the Council's Residential Design Guide SPD, a 3-bedroomed property requires 50sqm of private amenity space. The proposed site plan demonstrates a garden is excess of 100sqm from the occupiers of No.7 Church Lane, therefore this is considered acceptable.

Proposed Living Conditions for the Future Occupiers

The proposed dwelling would provide adequate living conditions for the future occupiers; all habitable rooms benefit from adequate light and outlook. Officers note that the proposed living room at ground floor does not explicitly benefit from window openings, but there are several openings which lead to rooms which benefit from large openings, therefore, on this basis this arrangement is considered acceptable.

The proposal has a large garden, providing substantial private amenity areas in accordance with the Council's adopted Residential Design Guide SPD.

Noise

Whilst the concerns regarding loss of privacy and noise and disturbance from the swimming pool are noted, as noted above such works have since been omitted from the amended proposals.

The Council's Environmental Health Officer (EHO) has been consulted and recommends that a Construction Management Plan is submitted, to ensure that the demolition work and construction of the proposed dwelling does not have an adverse impact on the amenity of the surrounding properties. Details should

include dust mitigation measures, working hours, waste management and contaminated land etc. This can be secured by suitably worded condition.

The Council's Environmental Health Officer also notes a Noise Impact Assessment has been submitted. It is noted that report has made recommendations for mitigation measures to ensure that the impact from road traffic and the nearby church bells do not impact the amenity of future occupiers. The submitted report notes that given the Listed status of the building, this restricts the type of window glazing that can be used. Therefore, mitigation measures include single glazing, with a sound reduction performance of at least 18 dB Rw+Ctr is considered suitable to mitigate any harm which may arise. The report further considers the church bells which are adjacent to the site, however, it has been noted that they only operate during daytime hours, therefore no further mitigation is considered necessary. For the avoidance of doubt, it is recommended that a condition is imposed ensuring compliance with submitted Noise Impact Assessment.

The sound levels at the site are below the level at which the Acoustic Ventilation and Overheating Residential Design Guide (AVO Guide) considers an adverse impact likely if future occupants were to open their windows. The noise levels are also below the levels at which the Acoustic Design Guide suggests that people will keep their windows closed to keep out noise. Therefore, no additional consideration is required for the means of ventilating the properties and mitigating overheating.

The EHO further noted that as per the submitted NZC4 Proforma, it is suggested that the applicants will install Ground Source Heat Pumps (GSHPs) on site. Further detail has been submitted to state that the proposed heat pump unit would be installed internally within the proposed plant/utility room of the dwellinghouse. Unlike an air source heat pump, the proposed system does not incorporate an external fan unit. The applicant has provided a manufactures technical specification for the proposed GSHP, the Vaillant flexoTHERM system is Quiet Mark accredited and operates at relatively low sound levels. The manufacturers technical data identifies sound power levels ranging between approximately 39.8 dB(A) and 45.2 dB(A) for the likely domestic-scale models proposed. The unit would also be installed in accordance with relevant MCS standards and manufacturer guidance. On this basis, it is not considered that the proposed ground source heat pump would give rise to any significant adverse impact upon neighbouring residential amenity by reason of noise or vibration. The ground collector infrastructure would be located below ground level (north side courtyard/garden) and would not generate operational noise.

Additionally, as noted above a Mechanical Ventilation with Heat Recovery Unit (MVHR) is not required to mitigate against any noise harm, the applicant has chosen to install one for the purposes of air filtration. The applicant notes that the MVHR unit will be placed internally within the utility/plant room proposed to the rear of the dwelling. The terminals would be discreetly positioned away from neighbouring habitable room windows where practicable, with separation maintained between intake and exhaust points in accordance with manufacturer guidance. Whilst the EHO raises no objection to this, it recommended that a condition be imposed to secure such details prior to occupation of the dwelling.

The development is therefore considered to provide adequate living conditions for the future occupiers of the dwelling and would not have an unacceptable harmful impact on neighbouring residential amenity. The proposed development is considered to be in accordance with the NPPF, adopted Local Plan Policy BE3 and the Council's Residential Design Guide.

Contaminated Land

Environmental Health Officers note that whilst their records do not indicate that land contamination is suspected at the site, there is a potential for localised contaminants to be present as a result of previous construction and/or site levelling activities. On this basis they recommend that the developer maintains a watching brief during the demolition and construction phases in the event that any suspected contamination is discovered. If contamination is encountered, the developer would need to notify the local planning authority and agree on how this will be addressed. This can be secured by condition.

Highway Safety and Parking

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 seeks to ensure that sufficient parking is provided. Policy B11 of the Neighbourhood Plan states that new development must provide suitable and safe access. There must be no detrimental impact on the pedestrian and cycle network. Policy B13 sets out parking requirements for residential development, including visitor spaces for all dwellings.

Objections raise concerns regarding the installation of the second access at the wider site. Members of the public suggest that nearby roads cannot cope with additional traffic and that the new access would be dangerous. However, both the second application and associated application has since been withdrawn.

The Highways Authority have been consulted and raise no objection to the proposed development, subject to conditions requesting the submission of a construction management plan prior to the commencement of works, and further conditions relating to the access.

Officers note there is ample space to the frontage of the dwelling to accommodate 3 car parking spaces as per the Council's adopted Vehicle Parking Standards SPD and there is ample space within the site boundaries to store cycles.

The development is therefore considered to be in accordance with Local Plan policies TR1 and TR3 and the Vehicle Parking Standards SPD.

Ecological Impacts

Policy NE2 of the Local Plan states that the Council will protect species of national and local importance. Neighbourhood Plan policy B8 requires that local habitats and wildlife should be preserved and enhanced.

Additional information was required and the County Ecologist has been re-consulted. The County Ecologist raises no objection to the amended proposals subject to conditions relating to compliance with protected species protective measures already submitted. Further notes are also suggested regarding protected species. The proposals are therefore considered to comply with the aforementioned policies.

Biodiversity Net Gain

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

As the proposals are for 1no. self-build dwelling, it is exempt from the mandatory 10% biodiversity net gain requirement. A condition will be added to ensure the works fall within the self-build exception.

However, the proposals are nevertheless required to demonstrate no net biodiversity loss in compliance with Local Plan Policy NE3. However, additional information was required and the County Ecologist has been re-consulted. They are now satisfied with the submitted information, raising no objection to the proposals, subject to conditions relating the submission of a Biodiversity Management Plan/Ecological Enhancement Plan, details securing external offsetting units and details securing the provision of bat and bird boxes. On this basis, the proposals are considered to comply with Local Plan Policy NE3.

Trees

Policy NE4 of the Local Plan states that new development proposals should aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance. Policy B8 of the Neighbourhood Plan states that mature and established trees should be protected and incorporated into schemes wherever possible. Existing hedgerows should be retained.

Objections have been received with concern relating to the impact the proposal will have on the cedar tree to the front of the site.

The updated Tree Report identifies that eight trees were felled pre-determination and a further eleven trees are proposed for removal to facilitate the development. The proposed landscape scheme, which includes the planting of 21 replacement trees, provides suitable mitigation for the anticipated removals and will contribute positively to the long-term character of the site. The new planting will also support and visually enhance the setting of the mature protected cedar, which remains an important arboricultural and amenity feature. Based on the information submitted, the Council's Tree Officer has been consulted and raises no objection to the proposals, subject to conditions relating to tree protection measures and replanting. Therefore, the proposals are considered to comply with Local Plan Policy NE4.

Refuse

Adequate waste storage can be suitably accommodated within the site boundaries, which can be secured by condition.

Waste Management raise no objection to the proposed development.

Air Quality

The proposed development would be classified as a minor scheme in accordance with Warwick District Council's air quality and planning supplementary planning document (AQ SPD) (2019) and therefore an electric vehicle charging point will be required for each dwelling. To secure the final details and design of the charging points, a condition to secure this information could be added if the application were being approved. This is considered to mitigate any adverse impacts on air quality as a result of the development.

The development is therefore considered to be in accordance with the SPD and Local Plan policy NE5.

Water

A condition could be added for compliance with Local Plan policy FW3 relating to water conservation, which is a planning requirement for development of this scale.

Drainage

The application site lies within Flood Zone 1. Limited details have been submitted in relation to the drainage details for the site. However, the required information could be secured by condition. The development is therefore considered to be in accordance with the NPPF and Local Plan Policy FW2.

Rights of Way

WCC Rights of Way have been consulted and raise no objection to the proposal.

Planning for Climate Change Adaptation

As required by the Council's Net Zero Carbon Development Plan Document (DPD) Policy NZC4, an Energy Statement has been submitted which demonstrates a consideration to sustainable construction and design, in accordance with Local Plan Policy CC1 – Planning for Climate Change Adaptation. The applicant has demonstrated how the requirements for the policy have been complied with, as well as including justification as to why certain measures cannot be explored, given the application property is listed.

In light of the above, the proposal is therefore considered to comply with DPD Policy NZC4.

Other Matters

Objections note that there have been several schemes at the site over time. However, it should be noted that there is no limit on the number of submissions on a site.

Concerns have been raised regarding non-compliance with the proposals allowed at appeal. Whilst the concerns are noted, this is separate application which will benefit from its own assessment.

Objections note that demolition works have commenced. It should be noted that the majority of works which have commenced are approved under the previous approved appeal. This application seeks to regularise any demolition which does not benefit from the relevant permissions.

An objection has been received, with concerns regarding noise and disturbance during construction. These matters are considered to be short lived and part and parcel of all development and therefore not reasonable grounds to withhold planning permission. The decision notice will include guidance notes on good practice.

Further concerns have been raised regarding discrepancies between drawings and initially submitted Design and Access Statement and Heritage Statement. However, it should be noted that these documents are conditioned, therefore the details in the drawings are the ones which must be complied with.

Comments also raise concerns regarding the potential of a new application at the site; however, this would be subject to a new application and its own assessment.

CONCLUSION/PLANNING BALANCE

At the time of writing this report, the Council is not able to demonstrate a Five-Year Housing Land Supply. As such, paragraph 11d) of the NPPF is engaged for the purpose of decision taking. It is recognised that the site lies within a protected area, having regard to footnote 7 of paragraph 11d of the NPPF.

Having regard to the above within the officer assessment, paragraph 11d) i) will not be conflicted with as the proposal is considered to be sympathetic to the character of the area, preserve the character of the Conservation Area and protect the setting and special interest of the site.

Paragraph 11d) ii) requires a test to determine if any adverse impacts of granting planning permission will significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the NPPF taken as a whole, having particular regard to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes (where applicable).

Planning permission is sought for the change of use of the existing hotel to 1no. dwelling. The principle of the development is considered to be supported by Policy

H1, the proposal will result in a new dwelling within a sustainable location within a growth village.

Subject to conditions and notes, the proposal will preserve the setting of the Listed Building and character of the Conservation Area and is not considered to result in harm to the character of the area, residential amenity, parking or waste. These are considered to be neutral within the planning balance and no adverse impacts have been identified.

The proposal will introduce benefits in the form of the creation of a 1no. new unit in a sustainable location.

When considering the scheme as a whole within the titled balance, Officers consider that the proposal will represent a sustainable form of development and no adverse impacts will significantly or demonstrably outweigh the benefits associated with the proposal. The development is considered to represent a sustainable form of development, and it is recommended that planning permission be granted.

CONDITIONS

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

2 The works hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 'G/016' submitted on 23rd July 2025, '231.06P', '231.07B' and '231.10C', submitted 19th May 2026 and '231.01F' and '231.02E' submitted on 27th May 2026 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

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

development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

4 Prior to the commencement of the development (including all preparatory work), the tree protection measures described in the BS 5837 Tree Report prepared by Cedarwood Tree Consultants (February 2026), together with the appended Tree Protection Plan, hereafter referred to as the "scheme of protection", shall be implemented in full accordance with the approved details.

Where protective fencing or ground protection is required, this shall be installed before any development takes place, and before any equipment, machinery, or materials are brought onto the site. The approved protection measures shall be retained in place until all relevant construction works have been completed and all associated materials have been removed from the protected areas.

No materials shall be stored, ground levels altered, or excavation undertaken within any area protected under this condition without the prior written approval of the Local Planning Authority (LPA).

REASON: To protect and preserve existing trees within the site that contribute to the character and amenity of
the area, in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011–2029.

5 No construction shall be undertaken until a Construction Management Plan is submitted to and approved by both the Planning and Highway Authorities and which should contain details of:

• The routeing and timing (avoiding peak periods) of delivery and other construction traffic to/from the proposed development and the measures by which this is to be managed and monitored, including signage and information that will be provided to contractors and delivery companies.

• Suitable areas for the parking of contractors and visitors, including details of the capacity of the on-site staff/visitor/contractor car parking areas and confirmation of the assessment that this is sufficient to accommodate forecast demand and thereby avoid vehicles having to park off site on the highway network.

• Measures to prevent mud and debris on the public highway, including wheel washing facilities and the methods to be used to keep the public highway clear of any mud, debris and obstacles (in the event of spillage).

• The swept path analysis of the expected largest type of delivery vehicle when entering, leaving and turning within the site. This is needed to confirm that vehicles can enter and leave the site (from and to the public

highway) safely, in a forward gear and without obstructing the public highway, and if not, what safety precautions will be implemented.

• Suitable areas for the unloading and storage of materials off the public highway.

Reason: In the interests of highway safety.

6 The development hereby permitted shall not commence (including site clearance) unless and until arrangements to secure offsite biodiversity units on another site which ensure that there is no biodiversity net loss as a result of the development have been submitted to, and approved in writing by the local planning authority and evidence of securement of the agreed arrangements has been submitted to the local planning authority.

Reason: to secure BNG in accordance with Warwick District Council Local Play Policy NE3 and NPPF.

7 No part of the development hereby permitted shall commence until a scheme for the provision of 4 suitable bat boxes, 3 swift bricks and one sparrow terrace or similar bird box to be incorporated into buildings and erected on trees within the site with consideration of potential lighting impacts has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type(s), location(s), and timing of works. Thereafter, the boxes/bricks shall be installed and maintained in perpetuity.

Reason: To ensure that appropriate measures are taken in relation to protected, important and priority species and their habitats.

8 The development hereby permitted (including site clearance) shall not commence until a Biodiversity Management Plan (BMP) to include a plan of protected and priority species enhancements, long term management and monitoring if applicable (to include location of measures, installation timescale, timing of works, replacement planting details if applicable, and species lists for proposed planting) has been submitted to and approved in writing by the local planning authority. Such measures will be shown on all applicable annotated site plans and elevations. Such approved mitigation and enhancement measures shall thereafter be implemented in full and maintained in strict accordance with the approved details in perpetuity.

Reason: To enhance the nature conservation value of the site and ensure no net loss of biodiversity in accordance with the NERC Act, NPPF, ODPM Circular 2005/06.

9 The dwelling hereby permitted shall be constructed only as a self-build house within the meaning of Section 1 (A1) of the Self-build and Custom Housebuilding Act 2015. No development shall commence until the name(s) of the individual(s) by whom house(s) is/are to be occupied as their principal residence has/have been provided in writing to the Council.

Within 14 days of first entering into occupation of the dwelling, the first occupier shall notify the Local Planning Authority in writing of the date when they entered into occupation. For a period of three years starting on the date when the dwelling is first occupied, the dwelling shall only be occupied by the individual(s) so notified to the Council and their dependants and co-habitees, as a self-build/custom build dwelling in accordance with Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 except with the express written consent of the Council.

In the event that the dwelling is not built and occupied for a minimum 3 years as a self- build/custom build property, a biodiversity net gain plan shall be submitted to and approved by the Local Planning Authority. The biodiversity net gain plan shall then be implemented in accordance with the approved details.

Reason: Exemption from 10% mandatory biodiversity net gain has been obtained because the dwelling is a self-build/custom build property.

10 The development shall be implemented in accordance with the agreed mitigation for Bats, Badgers, Birds, Reptiles, Amphibians and Hedgehogs as detailed within (SCHEDULE OF BAT AND OTHER PROTECTED & NOTABLE SPECIES MITIGATION MEASURES, Ridgeway Ecology October 2024 sections 3.1-3.2). Thereafter those measures shall be maintained in accordance with the aforementioned details in perpetuity.

Reason: To ensure that protected, important and priority species and their habitats are not harmed by the development and to safeguard biodiversity in accordance with the Local Plan Policy NE3.

11 The tree species, planting sizes, and planting locations shown on page 28 of the BS 5837 Tree Report prepared by Cedarwood Tree Consultants (February 2026) shall be implemented in full. All replacement trees shall be planted during the first available planting season (1 November – 31 March) and prior to completion or first occupation of the development, whichever occurs sooner.

All trees shall be planted and established in accordance with industry best practice, including current arboricultural and horticultural standards.

If, within a period of five years from the date of planting, any tree (or any replacement tree) is removed, uprooted, destroyed, or dies, it shall be replaced in the same location with a tree of the same species and size, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect and enhance the amenity value of the site and surrounding area and to ensure the successful establishment of replacement planting.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where

remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

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

13 The development hereby permitted shall not be used until the noise mitigation measures have been completed in full accordance with the following approved details:

- A Noise Assessment for Glebe Hotel, Barford prepared by Resound Acoustics Limited (dated 20th January 2026, Ref. RA00904 – Report 1).

Thereafter those measures shall be maintained in accordance with the aforementioned details in perpetuity. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

14 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

15 The development hereby permitted shall not be occupied unless and until:

(a) details of refuse and recycling storage areas for the development have been submitted to and approved in writing by the Local Planning Authority; and

(b) the refuse and recycling areas approved under (a) have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development.

Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.

Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

16 Prior to the occupation of the dwelling(s) hereby permitted, one 7kWh (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

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

18 No development shall be carried out above slab level unless and 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 Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

19 No windows shall be installed to historic elevations unless and until drawings have been submitted to and approved in writing by the Local Planning Authority of the construction of the windows which shall indicate

the use of timber, putty, integral glazing bars not exceeding 17mm in width and the use of single glazing, with any historic glazing to be retained and reused. The windows shall then be installed in strict accordance with the approved details. Reason: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

20 Access to the site for vehicles shall not be made or maintained from the public highway other than via the existing vehicular access as shown on Drawing Number 231.06P. **Reason:** In the interests of highway safety.

21 The development shall not be occupied until the existing access for vehicles has been modified such that it is not less than 5m in width for a minimum distance of 7.5m as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety.

22 The development shall not be occupied until the existing access with the public highway has been surfaced with a bound material for a minimum distance of 6m as measured from the near edge of the public highway carriageway. **Reason:** In the interest of highway safety.

23 Any gates erected at the entrance to the site for vehicles must be set at least 6m back from the back of the public highway footway, should only open inwards to the private land and should not block any part of the public highway when opened. **Reason:** In the interest of highways safety.

24 The development shall not be occupied until vehicle turning areas have been provided on-site such that the largest vehicles expected to access the site can turn within the site such that they will leave and re-enter the public highway in a forward gear. **Reason:** In the interest of highways safety.

25 The development shall not be occupied until on-site parking and secure cycle storage meeting WDC Parking Standards SPD standards in respect of quantum, dimensions and design has been provided. **Reason:** In the interest of highways safety.

26 The development hereby permitted shall not be occupied until a scheme detailing the proposed mechanical ventilation unit has been submitted to and approved in writing by the Local Planning Authority. **Reason:** To protect the amenity of the neighbouring residential uses in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 16 June 2026 **Item Number:** 9

Application No: W 25 / 1020 LB

Registration Date: 06/08/25
Town/Parish Council: Barford **Expiry Date:** 01/10/25
Case Officer: Millie Flynn
01926 456140 millie.flynn@warwickdc.gov.uk

Glebe Hotel, Church Street, Barford, Warwick, CV35 8BS
Alterations and extension to facilitate change of use of former Glebe Hotel (Use Class C1) to single dwellinghouse (Use Class C3). Works include demolition and erection of single storey side extension and other associated works and landscaping FOR Dr S Sidhu

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Listed Building Consent is sought for proposed alterations to facilitate the change of use of former Glebe Hotel (Use Class C1) to single dwellinghouse (Use Class C3). The works include the demolition of later extensions to the hotel including conservatory and erection of a single storey side extension and other associated works and landscaping.

Amendments have been made throughout the course of the application to overcome the concerns raised by consultees. Initially there were two applications at the site, this one and an associated application under W/25/1037, which was for 2no. separation dwelling within the garden of The Glebe. However, this has since been withdraw. The red line boundary for this application has since been extended, as per the latest Site Location Plan.

THE SITE AND ITS LOCATION

The application relates to the Glebe Hotel, a part two and part three storey grade II listed building, located within the growth village of Barford. A Grade II listed dovecote is located within the wider blue line site boundary. The site is located within a Conservation Area and a number of listed buildings lie within close proximity to the site, including the Church of St Peter to the south of the site, which is Grade II* listed. A large cedar tree located in the parking area at the front of the site benefits from a Tree Preservation Order.

PLANNING HISTORY

There have been various previous applications for alterations and extensions to the hotel. However, those which are relevant to the consideration of this application are as follows:

- W/21/0383 & W/21/0384/LB - Redevelopment of former Glebe Hotel, including partial demolition and conversion of 2no. dwellings; demolition of contemporary extension and development of 9no. apartment buildings; demolition of 7 Church Lane and development of a further 7no. mews dwellings to the rear and conversion of dovecote, including new access, car parking, bin stores, cycle parking, landscaping and associated infrastructure - Withdrawn.

- W/21/2042 & W/21/2043/LB - Redevelopment of former Glebe hotel, including partial demolition and construction of 4no. dwellings and conversion to 4no. apartments; including new access, car parking, bin stores, cycle parking and associated infrastructure - Dismissed at appeal.

- W/22/1407 & W/22/1408/LB - Redevelopment of former Glebe hotel, including partial demolition and construction of 4no. dwellings and conversion to 4no. apartments; car parking, bin stores, cycle parking and associated infrastructure - Allowed at appeal.

- W/25/1037 - Demolition of extension to the former Glebe Hotel and construction of 2no. dwellings - Withdrawn.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- Barford Neighbourhood Development Plan 2014 - 2029
- B6 - Heritage Assets
- Barford Village Design Statement (September 2009)

SUMMARY OF REPRESENTATIONS

Barford, Sherbourne & Wasperton Parish Council: Raise no objection to the principle of the change of use, however make the following comments;

- The staircase and period features should be protected
- The Dovecote is included within the Listing. Due to its age, and the history of prolonged neglect in its upkeep, the structure and foundations will be fragile and susceptible to damage. A protection zone should be imposed to avoid any potential harm that could be caused during construction of the proposed swimming pool.
- Consideration should be given to the potential impact of noise and nuisance on close neighbours from the proposed swimming pool.
- Concerns regarding impact of second access

Amended consultation comments - No objection, subject to the staircase being retained.

Conservation Officer: No objection, subject to condition.
Historic England: No objection.

Public Response: 7 objections received on the following grounds:

- Plan inaccuracies
- Lack of details submitted
- Impact of proposed swimming pool on Listed Dovecote.
- Impact on property value
- Concerns regarding tree protection, garden size and overall amenity
- Concerns regarding highways safety from the second access

ASSESSMENT

Impact on Heritage Assets

Section 72 of the Town and Country Planning (Listed Building and Conservation Areas Act) 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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

Policy B6 of the Neighbourhood Plan states that all new development within the Conservation Area and within the setting of a listed building will be expected to preserve and wherever possible enhance the positive attributes of the heritage asset. Development will not be permitted which has a detrimental impact on the character of the Conservation Area or setting of a listed building.

The application property is an early 19th century Grade II listed building. The listing entry describes the simple, yet decorative features which are found predominantly on the original front elevation of the building. The listing also notes the original staircase and marble chimney pieces.

There are other listed buildings nearby to the application site, including a Grade II listed dovecote within the red line of the site plan and Grade II listed cottages opposite the site. To the south of the site lies Grade II* listed Church of St Peter.

The conservation area appraisal for Barford identifies that the character of the village is defined by the diversity of the historic properties. As the character relies on the diversity of historic building types, it is important that each are maintained to a high standard; poor quality alterations or extensions should not be permitted. The conservation area appraisal references large properties in their own grounds and that infill dwellings should be strictly limited. The appraisal also notes significant important views along Church Street, including that of the Parish Church.

As part of the previous application, Historic England noted that the Glebe Hotel was most likely built as the rectory for the nearby church. They stated that it is an elegant red brick house with later extensions to the rear which were added to accommodate the hotel use from 1948 onwards. The significance of the building is recognised by its listing at Grade II.

The proposal seeks to the change the Glebe Hotel to a single dwellinghouse. The application as originally submitted sought to continue with the demolition approved at appeal under application ref: W/22/1407 & W/22/1408/LB, demolition of conservatory to the south elevation and erection of new single storey extension, as well as installing a swimming pool to the rear garden on the property, removal of internal historic staircase and amendments to the fenestration of the property. However, the proposal has since been amended to address the concerns raised by consultees.

Officers note that the demolition works were approved at appeal and therefore this is considered acceptable. Furthermore, Officers raised no objection to the replacement of the existing conservatory, however it was noted that the replacement was not lightweight in appearance, with the proposed extension having a notably greater bulk and mass than the existing conservatory. The proposed depth of the footprint was also greater than the existing, therefore it was suggested that this be reduced in order to not detract from the architectural qualities of the front elevation. Amendments have been secured to introduce a lightweight structure, which sits comfortably below the eaves of the Glebe, without compromising the buildings historic integrity.

Members of the public and the Conservation Officer raise concerns regarding the proposed swimming pool within the rear garden of the site, due to its close proximity to the Grade II Listed Dovecote, which is listed within its own right. The swimming pool would introduce an alien feature and would permanently alter the

setting around the listed Dovecote. Whilst the proposals have been amended throughout the course of the application to relocate the swimming pool, after further consideration it was noted that there are no public benefits to outweigh this harm, on this basis the swimming pool has been omitted from the proposals. It should be noted as part of this application, the applicant has chosen not to carry out any works to the Dovecote.

The application as originally submitted saw the replacement of an historic staircase, which is explicitly mentioned in the listing entry and although it is debatable whether it is original, the staircase is clearly historic and not modern in construction. Therefore its removal was not supported as this would clearly harm the significance of the listed building and its special interest. The proposed design of the replacement staircase, in addition to the materials proposed, was not considered appropriate for a Georgian building. The existing staircase retains a degree of historic interest and insufficient justification has been presented for its proposed removal. Therefore, these works have been omitted from the scheme and the existing staircase is to be retained.

Initially, Officers considered the proposed external openings not to be appropriate by way of design upon the north elevation. Although this is not a principal elevation, the double doors and glazed screens proposed were considered too modern in appearance and are not considered to relate well to the Georgian character of the building. It was considered that openings on this elevation should be kept to a minimum with daylight provided by windows of traditional design and arranged in a symmetrical fashion to relate to the upper windows. Amendments have been submitted in order to address the concerns raised above. The proposed openings are now sympathetic additions, which reflect the historical form of the building.

Officers consider it both reasonable and necessary to impose a condition securing the submission of the sample materials. Further securing large scale details for both windows and doors, with single glazing to be used on all historic elevations. A condition will also ensure that all rainwater goods shall comprise of metal and painted black and that any new roof tiles are to be of domestic slate.

The Conservation Officer raises no objection to the amended proposals.

The proposed development is not considered to result in harm to the character and appearance of the Listed Building and would accord with the relevant national and local policies in relation to heritage assets.

The proposed development is therefore considered to comply with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Local Plan Policies BE1 and HE1 and Neighbourhood Plan Policy B6.

Archaeology

WCC Archaeology note that the application site lies within an area of significant archaeological potential, fronting onto Church Street and within the probable

extent of the medieval settlement of Barford. Archaeological fieldwork undertaken approximately 500m to 700m to the west and southwest of the proposed development has identified for Mesolithic, Bronze Age, Iron Age and Romano-British and Anglo-Saxon activity. There is therefore potential for this site to contain archaeological remains from the prehistoric periods through to the Roman, medieval and post-medieval periods.

The County Archaeologist notes a program of evaluative archaeological fieldwork undertaken in advance of this application, for a previous approval, identified a pit, possibly medieval in date, a small post-medieval drainage ditch and postholes which were interpreted as most likely being post-medieval or modern. It is noted that the swimming pool has been omitted from the proposals. On this basis, the proposals are unlikely to have a significant archaeological impact. As such the County Archaeologist raises no objections.

The proposal is therefore considered to be in accordance with Local Plan Policy HE4.

CONCLUSION

The proposals would not have a detrimental impact on the listed building and the surrounding conservation area. The proposal is in accordance with the aforementioned policies and it is therefore recommended for approval.

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 works hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 'G/016' submitted on 23rd July 2025, '231.06P', '231.07B' and '231.10C', submitted 19th May 2026 and '231.01F' and '231.02E' submitted on 27th May 2026 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.

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

4 No development shall be carried out above slab level unless and 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 Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

5 No windows shall be installed to historic elevations unless and until drawings have been submitted to and approved in writing by the Local Planning Authority of the construction of the windows which shall indicate the use of timber, putty, integral glazing bars not exceeding 17mm in width and the use of single glazing, with any historic glazing to be retained and reused. The windows shall then be installed in strict accordance with the approved details. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 16 June 2026 **Item Number:** 10

Application No: W 26 / 0226

Registration Date: 18/02/26
Town/Parish Council: Whitnash **Expiry Date:** 15/04/26
Case Officer: James Moulding
01926 456728 james.moulding@warwickdc.gov.uk

79 Home Farm Crescent, Whitnash, Leamington Spa, CV31 2QY
Alterations to shopfront windows, doors, and installation of roller shutter to shopfront FOR Home Farm Stores

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

RECOMMENDATION

It is recommended that the application is refused for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Proposed alterations to shopfront windows, doors, and installation of roller shutter to shopfront

THE SITE AND ITS LOCATION

The application site relates to a traditional shopfront located within a row of ground floor retail uses, with residential flats above. The site occupies part of a small terrace located just off the main highway of Home Farm Crescent, with an large area of hardstanding providing parking to customers with unofficial bays (no markings). Adjacent to the row of retail use sits a small terrace of 4 residential properties at a 90-degree perpendicular angle the application terrace.

The site forms a Local Shopping Centre as illustrated by Local Plan Policy Map 2.

There are no other examples of solid external security shutters in the streetscene.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- PC0 - Prosperous Communities
- BE1 - Layout and Design
- HS7 - Crime Prevention

- Guidance Documents
- Increased Security for Retail Premises (Supplementary Planning Guidance)
- Whitnash Neighbourhood Plan (2011-2029)
- W4 - Building Design Principles

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Support.

Warwickshire Police Crime Prevention Design Advisor: No objection. Proposal to increase security supported, but notes that alternative less intrusive measures are likely achievable.

Public Representation: 1 support comment received on the following grounds:

- Application property has seen previous break-in attempts and successes.
- Roller shutter would only be visible for limited times such as during non-trading hours.
- Existing street scene is not visually appealing.
- Security of premises and businesses should be given highest priority.

ASSESSMENT

Design and Crime Prevention

The NPPF (2024) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 135 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 135 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. The Council's 'Security - Increased /Security For Retail Premises' supplementary planning guidance document provides guidance to help make the assessment of good design and security under Policy BE1.

Local Plan Policy HS7 states that the design of a development will be encouraged to minimise the potential for crime and antisocial behaviour and improve public safety. Development proposals will be expected to demonstrate that they make provision for appropriate security measures. It is acknowledged that the most appropriate layout and design for promoting crime prevention may not accord with other policy objectives, such as achieving good design or securing accessible

layouts. The Council will expect applicants to demonstrate how they have sought to balance these competing objectives and where they have made clear choices between policies.

Neighbourhood Plan Policy W4 states that all new development proposals are encouraged to demonstrate how they take into account the character of the development site and its surroundings.
The development proposes an alteration to the primary shopfront of the application property, with alterations to the principal access doors to the retail use and installation of new shopfront windows. No objections are raised to these alterations which are considered to have a neutral impact on the street scene.

However, the proposal also includes the installation of an external roller shutter, which would be deployed across the entirety of the shopfront. It is noted that none of the other retail premises featured within the small terrace of shops features a roller shutter and therefore the introduction of such a feature would be incongruous, uncharacteristic and out of keeping. It is also considered that it would in itself constitute a poor design solution.

The 'Security - Increased /Security for Retail Premises' guidance document outlines the Council's approach to the implementation of security for retail premises within the scope of the planning system, what is likely to be considered appropriate and under what circumstances certain more intrusive or visually impactful security measures could be considered acceptable.

The installation of roller shutters is addressed in Policy No. 4 of this guidance document, which states that external roller shutters will not normally be permitted. Exceptions may only be made after recommendations in Policies 1, 2, and 3 have been fully investigated and discussed with the Local Crime Prevention Officer. In this case Policy No. 1 recommends a minimum 600-millimetre stall riser and recessed doorways to mitigate ram raids, alternative glazing materials and smaller panes to reduce cost of minor breakages, and open internal grilles/ shutters positioned behind the shopfront glass may be appropriate on retail uses selling high value goods.

Policy No. 2 considers internal grilles where measures outlined in Policy No. 1 are either not suitable or not possible. Suitable situations for these measures would be for high value retail goods or in areas of high vandalism. Such grilles can feature mechanisms to be lowered at night to preserve visual amenity in the day and provide security at night whilst still allowing for views of merchandise after the store has closed.

Policy No. 3 considers external grilles for use in high vandalism town centre areas where damage caused by window breakage and vandalism cannot be mitigated through the use of smaller single areas of glazing. Only following the exhaustion of these routes is Policy No. 4 considered which considers external roller shutters.

The Warwickshire Crime Prevention Design Advisor has submitted a consultation response on the application, stating that there are records of 6 crimes occurring at the premises, and that only 1 of these would have been prevented through the use of roller shutters. Following discussion with the Crime Prevention Design

Advisor it was considered that alternative glazing treatments such as windows meeting the 'Secure by Design' standard, or the use of internal security films on the shopfront glass would be suitable alternatives.

The alternative methods of increasing security recommended have not been accepted or implemented by the applicant, nor has justification been provided which would detail why less visually intrusive or impactful measures would be insufficient.

It is therefore considered that the proposed development would introduce a security design element that has the most detrimental effect on the character of the street scene and visual amenity. It is not considered that the implementation of such intrusive measures has been reasonably justified through the value of merchandise, existing or historic levels of crime, or through the exploration and dismissal of less intrusive measures.

The proposed development is therefore contrary to Local Plan Policies BE1, HS7, Neighbourhood Plan Policy W4, and guidance documents. It is recommended that planning permission is refused.

REFUSAL REASON

1 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, the Council's 'Security - Increased /Security for Retail Premises' supplementary planning guidance provides guidance to help make the assessment of good design and security under Policy BE1.

Local Plan Policy HS7 states that the design of a development will be encouraged to minimise the potential for crime and antisocial behaviour and improve public safety. Development proposals will be expected to demonstrate how they have sought to balance the competing objectives of security and design, and where they have made clear choices between policies.

Neighbourhood Plan Policy W4 states that all new development proposals are encouraged to demonstrate how they take into account the character of the development site and its surroundings.

The NPPF places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design.

In the opinion of the Local Planning Authority the proposed development would introduce the most detrimental security measures to the character and quality of the street scene without sufficient justification or consideration of less harmful better designed alternatives.

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