

# Planning Committee

Minutes of the meeting held on Tuesday 13 February 2024 at Shire Hall, Market Place, Warwick, at 6.00pm.

**Present:** Councillor Boad (Chairman); Councillors Collins, Cron, R Dickson, Falp, King, Kohler, Luckhurst, Noonan, Phillips, Tangri, and Williams.

**Also Present:** Committee Services Officer – Mia Matthews; Civic and Committee Services Manager – Patricia Tuckwell (observing only); Legal Advisor – Ross Chambers; Business Manager – Rob Young; Planning Assistant– Theo Collum; and Senior Planning Officer – Kie Farrell.

## 148. **Apologies and Substitutes**

- (a) There were no apologies for absence received; and
- (b) Councillor Falp substituted for Councillor Margrave, Councillor Kohler substituted for Councillor Gifford, and Councillor King substituted for Councillor Sullivan.

## 149. **Declarations of Interest**

There were no declarations of interest.

## 150. **Site Visits**

To assist with decision making, Councillor Dickson made an independent site visit to W/23/1084 – 17 Beverley Road, Royal Leamington Spa and Councillor King made an independent site visit to W/23/1461 – Milverton School Playing Field, Lillington Avenue, Milverton, Royal Leamington Spa.

## 151. **Minutes**

The minutes of the 14 December 2023 and 16 January 2024 meetings were approved and signed by the Chairman as a correct record, subject to an amendment to 16 January 2024 minutes, minute number 117 - Declarations of Interest, to read:

*Minute Number 122 – W/23/1425 - 6 Lillington Avenue, Royal Leamington Spa*

*Councillor Collins declared an interest because he **his friend** lived near the site of this application. However, he had an open mind and did not consider himself to be predetermined in any way.*

## 152. **W/23/1352 - 10 Park Road, Royal Leamington Spa**

This item was withdrawn from the agenda to enable the applicant to attend to speak at the meeting.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **144. W/22/1651 – 2 Pinehurst, Cubbington**

The Committee considered an application from Ms Ananth for a two-storey side extension and conversion of the existing garage. This was a resubmission of planning application W/23/0558.

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

The officer was of the opinion that the proposed development would have an acceptable impact under policies BE1, BE3, and TR3, and as such, it was recommended the application should be approved.

The following people addressed the Committee:

- Mrs Looney, objecting; and
- Mr Looney, objecting.

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

The Committee therefore

**Resolved** that W/23/1651 be **granted**, subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 4242-02B, and specification contained therein, submitted on 15/11/2023. |

**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; and

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|-----|---|
| (2) | all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. |
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**Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

### **145. W/23/1628 – Warwick Arms Hotel, 17 High Street, Warwick**

The Committee considered an application from Mr Middlebrook for the laying of a new stone patio and timber sleepers over the existing patio area. This was a retrospective application.

## **PLANNING COMMITTEE MINUTES (Continued)**

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

The officer was of the opinion that the proposal would not result in an unacceptable impact on the character of the surrounding area, nor would it have a harmful impact on the Warwick Conservation Area or setting of the Listed Building. Subject to conditions restricting the hours of use of the patio area and prohibiting amplified music, the proposal would not have a harmful impact on the amenity of neighbouring residential properties. The proposal was considered to be acceptable in terms of Highways Safety and Parking. The proposal was deemed acceptable, and it was recommended that the application should be approved.

An addendum circulated prior to the meeting advised that the Town Council had withdrawn its objection based on further information that had been provided, and Members' questions around drainage and enforcement had been answered by officers.

Miss Wilson addressed the Committee, objecting to the application.

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

The Committee therefore

**Resolved** that W/23/1628 be **granted**, subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan (WAH/02) and approved drawing WAH/03 and specification contained therein, submitted on 17th November 2023 and drawing WAH/04 submitted on 23rd November 2023. |

**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;

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| (2) | the patio area shall not be used/ occupied between the hours of 2200 and 0730 on any day. |
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**Reason:** To ensure that the use of the patio area does not result in unacceptable noise disturbance to the detriment of the amenities of the occupiers of nearby residential properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
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| (3)        | no speakers for the amplification of music and/or voice shall be placed in the patio area or on the outside of any building forming a part of the patio area. |

**Reason:** To ensure that the use of the proposed patio area does not cause unacceptable noise disturbance to the detriment of the amenities of the occupiers of nearby residential properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

### 146. **W/23/1461 - Milverton School Playing Field, Lillington Avenue, Milverton, Royal Leamington Spa**

The Committee considered an application from Severn Trent Water Limited for the widening of an existing vehicular access (permanent) and the formation of a new access (temporary, for construction) off Lillington Avenue, Leamington Spa, required in connection with the construction of an underground storage system.

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

The officer was of the opinion that the proposal would not result in an unacceptable impact on the character of the surrounding area or amenity of any nearby neighbouring uses. Nor would it have a harmful impact on the Conservation Area, Highway Safety, or existing Trees on or adjacent to the site. Therefore, the proposal was deemed acceptable, and it was recommended by officers the application should be granted.

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

The Committee therefore

**Resolved** that W/23/1461 be **granted**, subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>   |
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| (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);

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| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 0004-S2- Rev P03, 0005-S2- Rev P01, 0006-S2- Rev P02, 0007-S2- Rev |
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## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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|            | <p>P02, 0008-S2- Rev P01, 0009-S2- Rev P01, and specification contained therein, submitted on 1st November 2023.</p> <p><b>Reason:</b> 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;</p>   |
| (3)        | <p>the parts of the existing brick boundary wall removed in order to provide the proposed access points shall be re-instated on completion of the works - as shown on drawing 0009-S2- Rev P01.</p> <p><b>Reason:</b> 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;</p>  |
| (4)        | <p>prior to the commencement of the development hereby approved (including all preparatory work), the tree protection measures as proposed by Ligna Consultancy in their Tree Protection Scheme document reference P3391-TPS01 V1 dated 22 September 2023 and as illustrated on their Tree Protection Plan, together referred to as the scheme of protection, shall be adopted.</p> <p>The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.</p> <p><b>Reason:</b> 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;</p> |
| (5)        | <p>the accesses to the site hereby permitted shall not be used unless public highway footway/verge crossing have been laid out and constructed in accordance with the standard specification of the Highway Authority.</p> <p><b>Reason:</b> To secure a satisfactory form of development in the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

### **No.**

### **Condition**

- (6) upon completion of the works hereby permitted, all parts of the accesses within the public highway not included in the permitted means of access shall be closed and the kerb, footway and verge reinstated in accordance with the standard specification of the Highway Authority.

**Reason:** To secure a satisfactory form of development in the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

#### 147. **W/23/1084 - 17 Beverley Road, Royal Leamington Spa**

The Committee considered an application from Castle Homes Warwick Real Estate for the demolition of the existing dwelling and construction of nine dwellings.

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

The proposal sought the demolition of the existing single dwelling and the erection of a new building containing eight apartments together with the provision of a new detached dwelling to the rear of the site. The development layout was nearly identical to the adjacent property at The Limes (15 Beverley Road), albeit with a more traditional approach to the fenestration.

The site also included the provision of parking and amenity space to serve the future residents together with the appropriate amount of parking spaces to serve the development. Officers had assessed the proposal to ensure that no demonstrable harm would arise to the amenity of neighbouring properties and conditions were proposed to ensure that the side-facing windows would be obscure glazed.

The County Highways Officer had also assessed the proposal and was satisfied that the development would not result in harm to highway safety.

Site specific matters were proposed to be controlled by conditions.

An addendum circulated prior to the meeting advised there could only be limited weight attached to the DPD.

Following consideration of the of the report, presentation and information contained in the addendum, it was proposed by Councillor Dickson and seconded by Councillor Falp that the application should be granted in accordance with the recommendation in the report.

The Committee therefore

**Resolved** that W/23/1084 be **granted**, subject to the following conditions:

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (1)        | <p>the development hereby permitted shall begin no later than three years from the date of this permission.</p> <p><b>Reason:</b> To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p>  |
| (2)        | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 691-12 Rev B, 691-13 Rev A, 691-114 Rev A, 691-15 Rev A, 691-16 Rev A and 691-17 Rev OR, and specification contained therein, submitted on 25 July 2023.</p> <p><b>Reason:</b> 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;</p>  |
| (3)        | <p>the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.</p> <p><b>Reason:</b> To ensure a net biodiversity gain in accordance with NPPF;</p> |
| (4)        | <p>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</p>  |

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
	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](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) notwithstanding details contained within the approved documents, prior to commencement of development, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include:
- a. How the development will reduce carbon emissions and utilise renewable energy;
  - b. Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
  - c. Details of the building envelope (including U/R values and air tightness);
  - d. How the proposed materials respond in terms of embodied carbon;



## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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| e.         | How the development optimises 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. |

No dwelling/ building shall be first occupied until the works within the approved scheme have 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 in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019);

- (6) no development above slab level shall commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority.

Details of the soft landscaping works shall include a detailed schedule of all planting together with details of replacement tree planting to mitigate for the removed trees.

Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation.

Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
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|            | 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.   |
|            | <b>Reason:</b> 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;   |
| (7)        | no development above slab level shall take place until a detailed drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details before the development is completed.  |
|            | <b>Reason:</b> To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity in accordance with Policies FW1, FW2 and NE3 of the Warwick District Local Plan 2011-2029;   |
| (8)        | no development other than site clearance and site preparatory works until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details. |
|            | <b>Reason:</b> 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;  |
| (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.  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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|            | <p><b>Reason:</b> 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;</p>  |
| (10)       | <p>the development shall not be occupied until the access for vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres, [as measured from the near edge of the public highway carriageway].</p> <p><b>Reason:</b> In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p>   |
| (11)       | <p>the access to the site for vehicles shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.</p> <p><b>Reason:</b> In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p>  |
| (12)       | <p>the development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb and verge has been reinstated in accordance with the standard specification of the Highway Authority.</p> <p><b>Reason:</b> In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p>   |
| (13)       | <p>no lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.</p> <p><b>Reason:</b> To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance</p> |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
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|            | with Policy BE3 of the Warwick District Local Plan 2011-2029;   |
| (14)       | the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. |

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

- (15) prior to the occupation of the development hereby permitted, the window(s) in the side elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view to a minimum height of at least 1.7 metres above the finished floor level of the room in which the window is installed. The windows shall also be non-opening unless the openable element is at least 1.7 metres above finished floor level. The obscured glazed window(s) shall be retained and maintained in that condition at all times.

**Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

### 148. **Planning Appeals Report**

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place. The Business Manager highlighted the 41 Portland Street decision to Members.

**Resolved** that the report be noted.

(The meeting ended at 7.13pm)

CHAIRMAN  
12 March 2024