

Planning Committee

Minutes of the meeting held on Tuesday 12 September 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Collins, Cron, R Dickson, Dray, Falp, B Gifford, Luckhurst, Noonan, Phillips, Sullivan, Tangri and Williams.

Also Present: Principal Committee Services Officer – Lesley Dury; Legal Advisor – Sue Mullins; Development Manager – Gary Fisher; Principal Planning Officer - Dan Charles and Assistant Conservation Officer - Jane Catterall.

57. **Apologies and Substitutes**

- (a) There were no apologies for absence received; and
- (b) Councillor Falp substituted for Councillor Margrave and Councillor Collins substituted for Councillor Sinnott.

58. **Declarations of Interest**

There were no declarations of interest made.

59. **Site Visits**

W/22/1877 – Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton

Councillor Dickson made an independent site visit to this application site.

W/22/1077 – Land to the east of Stratford Road, Longbridge, Warwick

Councillors Dickson and Williams made independent site visits to this application site.

Councillor Williams had made an independent site visit but felt that without being able to access the site, he was unable to evaluate the proposals adequately. The Chair advised him to raise his concerns about site visits when the relevant applications were discussed.

60. **Minutes**

The minutes of the meeting held on 15 August 2023 were taken as read and signed by the Chairman as a correct record.

61. **W/22/1877 – Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton**

The Committee considered an outline application from Cala Homes (Cotswolds) Limited for up to 83 dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space,

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landscaping, drainage and other associated works and infrastructure, with all matters reserved except for the vehicular access to the site.

The application was subject to an appeal to the Planning Inspectorate against the non-determination of the application by the local planning authority within the statutory 13-week period.

In the case of a non-determination appeal, a steer from Planning Committee on the decision it was likely to have made on the application, had it been determined, guided the Council's submissions on the appeal and formed the basis of the Council's case at the appeal.

Members were not therefore being asked to determine the application as this was now in the hands of the Planning Inspectorate. The proposal was being considered by the Committee to determine the decision that would likely have been made by the Local Planning Authority if it had been in a position to formally determine the application.

The officer was of the opinion that the principle of development had been considered acceptable as the site formed part of a wider allocation although circumstances had now changed that precluded bringing the whole site forward for a comprehensive re-development. As the parcels of land associated with this development were separate entities, officers were satisfied that some housing could be realised on these land parcels and, as the balance of the allocated site area would remain within the control of Warwickshire Police, the existing Heritage Asset of Woodcote House would be maintained. This concern was a driving factor behind the requirement for a comprehensive redevelopment project.

In terms of Ecological Matters, information was still outstanding and therefore, officers had recommended that, should these matters not be satisfactorily addressed by the due date for the submission of the Council's Statement of Case, then the Council would utilise this information to form the basis of its defence of the appeal. In such a case, the reasons for refusal were set out in the report.

Should the outstanding information be submitted to the satisfaction of the relevant consultees, officers advised that the Council's Statement of Case should recommend no objection to the proposed development the subject of the appeal and would recommend the conditions listed at the bottom of the report together with the completion of a Section 106 Agreement to secure the required obligations.

An addendum circulated at the meeting advised that a further 28 letters of objection had been received since the completion of the officer's report. The comments made had already been covered by the original summary of comments within the report.

Following an assessment of the information supplied, WCC Ecology had lifted the holding objection subject to appropriate conditions and a Section 106 agreement to secure biodiversity net gain.

The following people addressed the Committee:

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- Dr Hodgetts, speaking on behalf of the Conservation Advisory Forum, in objection;
- Mr Wilson, Mrs Rigby and Mr Cooper, objecting;
- Ms Owen, representing the applicant; and
- Councillor Payne, District Councillor, speaking against the application.

The officer's report stated that the changes to the proposals were minor in nature and did not significantly alter the scheme. Officers were therefore satisfied that the revisions were acceptable under the Wheatcroft Principles. Members considered that the changes were not minor and gave examples – the completely different road access; changes to trees and 25% of the proposed layouts had been amended.

Members were concerned that County Highways Department had changed its opinion and had withdrawn its objection, but there was no evidence available to show why the decision had been changed.

The Legal Officer provided advice. She reminded Members that the Council developed Policy DS22 at a point when two Police Forces were supposed to move into a new accommodation together which meant that the Leek Wootton offices would be vacant. Policy DS22 was adopted but then the merger of the Police Forces did not proceed, making Policy DS22 outdated, and was unlikely to ever lead to the development of a masterplan within the life of the Council's Local Plan. A new Local Plan was in development stages currently. This meant that the Council now faced an application based on a policy that could not be fully implemented. Added to this, the Council could not determine the application because it had failed to determine the application in time, which led to the appeal to the Planning Inspectorate. The report for the appeal was brought before the Committee on 20 June to find out what the Committee's decision would have been, had the appeal not happened. At that meeting, no concerns were raised about policy. This meant the Council was now in a difficult decision to reference policy DS22. In an appeal situation, introducing new reasons to refuse might mean an award of costs against the Council could be made which would be in the tens of thousands.

The Committee was being asked to consider what decision it would make on the information presented based on the decision already taken, what was wrong with the application at that time and the further information and advice received at the current time. Highways Officers had advised that there was no reason to sustain an objection, they were satisfied that any issues could be dealt with by condition or Section 106 agreements and technical notes. If the Committee wished to disagree with Highways Officers, then it required very good reasons to do so; she had not heard any expressed at the meeting, but the Committee might decide that it required further information on this.

In terms of ecology, the professional advice was that the officer had weighed the balance and they had stated that there was not any harm. The Committee might form a different view, but it would need material planning reasons for this. On heritage, the Heritage Officer was satisfied that matters could be dealt with at the reserved matters stage, so the Committee would need material planning reasons why this assessment was

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wrong. If the Committee decided to refuse, against officer advice, there was a possibility that Members of the Committee would be called to an inquiry to explain those reasons for refusal. The Committee needed to be clear on reasons for refusal, bearing in mind the contradiction of previous decisions made based on no additional evidence that she could see on the points they were considering, also bearing in mind the potential costs the Council might face. She reminded Members of their fiduciary duty to the residents of Warwick District Council area to ensure that Council funds were being looked after properly, and the possibility that Members of the Committee might be called to explain the reasons for refusal at the inquiry.

A Member of the Committee asked whether the Committee had to accept biodiversity net gain through a Section 106 agreement with offsetting or could it reject offsetting the loss of biodiversity on this site. He explained that the damage to ecology was one of the original reasons for refusal on this proposal. The current report did not state what the damage to ecology would be, but officers had confirmed that there would be a net biodiversity loss. No one had confirmed that the Committee had to accept offsetting, so he contended that there was still damage to ecology.

The Legal Officer advised that the change in circumstances from when the policy was adopted and the current position meant that the weight that could be applied to the policy had changed. The Inspector might choose to attach a different weight to the policy to the Committee's view. At the appeal, how reasonable the weight applied by the Committee, how comprehensive and compelling the reasons were would dictate if it might mean costs against the Council.

Members considered that on balance, the damage to the heritage asset far outweighed the benefits of the additional housing; once the heritage asset had gone, it could not be retrieved.

The Legal Officer drew attention to the sentence in Policy DS22 "the former police headquarters site will be developed for housing purposes". She advised that the Committee needed to think carefully how the housing development failed to protect and enhance the historic assets in their setting and failed to secure the sustainable long-term future of Woodcote House which was what the policy went on to say when considering the impact on heritage assets as a reason for refusal. She did not think it was reasonable to say any housing development on the site was not acceptable. The Committee had to state why this particular development was not acceptable along with reasons given. She advised caution if the Committee used the lack of comprehensive development leading to funding not being available for securing that property because of the change in circumstances from when the policy was made and the current situation. The lack of comprehensive development raising the funds for securing the long-term maintenance of that property might be found to be a weak reason.

In respect of concerns raised about biodiversity offsetting, the Legal Officer advised that the Council should not insist that this was carried out on-site. It could express a strong preference for this. To do otherwise could be construed as unreasonable and could put the Council at risk of costs and would risk a Judicial Review of the decision if it was viewed as manifestly unreasonable. The Council's policy position allowed for offsetting, as did the

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national policy. It was not against the law, but she strongly advised against insisting on on-site biodiversity offsetting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Gifford and seconded by Councillor Dickson that contrary to the recommendation in the report, an objection should be made to the granting of permission.

The Committee therefore

Resolved that an objection be made to the granting of permission because the harm caused to the setting of the heritage asset by the proposed development within the grounds of the listed building, is not outweighed by the public benefits of the proposals.

Concern is also expressed about the net loss of biodiversity on the site and its strong preference that the net loss of biodiversity be addressed by on-site provision.

(The meeting was adjourned at 8.25pm for a comfort break and resumed at 8.39pm.)

62. W/23/0222 – 42 Leam Terrace, Royal Leamington Spa

The Committee considered an application from Mr Finch for the replacement of single glazed windows with heritage slimline double-glazed windows.

The application was presented to Committee because seven letters of support had been received and the application was recommended for refusal.

The officer was of the opinion that the proposals were considered to result in unacceptable harm to the listed building and its setting and there were no public benefits which were sufficient to outweigh the extent of that harm. The proposals were therefore contrary to the NPPF, Local Plan Policies HE1, HE2 and BE1 and Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan. It was therefore recommended that planning permission should be refused.

An addendum circulated at the meeting advised that the applicant had submitted supporting documentation in regard to this application.

The applicant had reviewed the panes and stated that a large amount of glazing was believed to be non-original. They had also stated that the shimmer to the glazing could be caused by a plastic film as this was present on at least one pane.

The applicant stated that from the outside the windows would exactly visually replicate the current glazing bars and that there was no public visibility to the rear.

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The applicant considered that there was no original glazing to the second and third floors of the building. The applicant considered that the windows would look almost exactly the same as they did currently, but painted and therefore made the house look smarter which should enhance the house's character.

The applicant had stated that the houses within Leam Terrace had managed to retain their character though they had been upgraded and changed over the years, and all in different ways, most obviously in the paint colours and the variations to the dormer windows / roof lights. The applicant stated it could be argued that the changes to paint/colour and add dormers were far more visible and "harmful" than the proposed changes to the windows, but instead the applicant would argue that having the houses different colours enhanced their character.

Regardless, installing the windows the applicant planned was considered to be far less visible and would actually upgrade the building sympathetically.

In response to the submitted documentation, the addendum advised that this was not considered to alter the recommendation for refusal.

It was considered that the alteration to the windows would result in harm, to both the significance and character of the heritage asset, the group listing of this section of the terrace and the wider conservation area.

The NPPF identified two levels of harm: substantial harm and less than substantial harm and the courts had made it clear that there was no spectrum or degree of harm within the less than substantial harm category.

Less than substantial harm still carried considerable importance and weight, as reiterated by the Planning Inspectorate in Section 54 regarding Appeal Decisions APP/T3725/W/23/3318317 and APP/T3725/Y/23/3318318.

These appeal decisions, regarding a property within the Warwick District and issued on 1 September 2023, considered the weighting towards energy efficiency and the significance of heritage assets, with the less than significant harm identified given greater weighting than the potential public benefits of increased energy efficiency measures. This had been referenced to highlight that 'less than substantial' did not indicate a lack of significance nor less weighting in regards to harm, even when considering the weight afforded to the potential public benefits of sustainability.

This application was considered to result in a loss of historic fabric, though some panes might not be original, others were considered to be so, with the current windows considered to be pre-1948 and therefore were covered by the listing and afforded the protection of this.

They were also determined to add value and significance to not only the individual heritage asset but also the wider group value of the terrace and the character of the conservation area. There were ripples in the glass panes both within this property and throughout the terrace which were due to the glass forming techniques employed and would not be caused by the

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application of film to the windows, though the film was observed during inspection.

It should also be noted that visibility from the public realm, whilst this might have been more relevant when considering conservation areas, did not determine a lack of importance nor significance in regard to Listed Buildings.

In order to accommodate the increase in the thickness of glazing, there would have had to have been either a reduction in the glazing bars or a reduction in the reveal of the windows, as well as likely an increase in the meeting rail of the sashes to support the extra weight, which would have been considered to be at a detriment to the heritage asset's character and significance.

Unlike with Listed Buildings, the significance of a Conservation Area was more widely experienced. Proposals had to be judged according to their effect on an area as a whole and had to have a moderate degree of prominence. It was considered that this proposal would have visually isolated the building from the terrace and wider Conservation Area of which the character of fenestration was an important feature.

The applicant had stated that the energy efficiency benefits would outweigh the harm to the heritage asset. However, it was considered that any potential benefits from the proposal would not outweigh the significant, albeit less than substantial, harm to the heritage asset therefore being contrary to both local and national policy.

The Council declared a climate emergency in June 2019, which was followed by its Climate Emergency Action Programme (CEAP) to become carbon neutral by 2025 and facilitate decarbonisation of businesses, organisations and residents to meet a target for as much of the district to be as close to net zero as possible by 2030.

CEAP recognised how planning and its policies could help to deliver this, but also the requirement for improved efficiency of all buildings in the district to reduce energy demands.

The Climate Change Action Programme (CCAP) aimed to support landlords and homeowners to do so, the Framework was clear that small-scale projects provided a valuable contribution to cutting greenhouse gas emissions, and LP Policy CC1 was supportive of adaptation to combat climate change. The Council also produced new guidance on the Energy Efficiency for Historic Buildings (February 2023) and its four aims were to preserve historic fabric, extend the beneficial use of older buildings, reduce carbon emissions using the hierarchical approach, and to specify environmentally conscious materials.

Warwick District Net Zero Carbon Development Plan Document DPD Policy NZC4 stated 'the sensitive retrofitting of energy efficiency measures and the appropriate use of micro-renewables in historic buildings...will be encouraged, providing the special characteristics of the heritage assets are conserved in a manner appropriate for their significance'.

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Compliance with this policy was therefore consistent with one of the principal elements of the Palmer Judgement, which noted that 'that harm (if it exists) is to be measured against both the scale of the harm and the significance of the heritage asset'.

It was considered that the removal of all current single glazed windows and their replacement with double glazed units would fail to preserve the Grade II Listed Building. Hence, it would not satisfy the requirements of the Planning (Listed Buildings and Conservation Area) Act 1990 and would have conflicted with the design and heritage aims of National Planning Policy Framework paragraphs 130, 197 and 199, Local Plan Policies HE1 and HE2, Policy RLS3 of the Royal Leamington Spa Neighbourhood Development Plan 2019-2029 (RLSNDP) and DPD Policy NZC4.

Historic England, in their guidance "How to save Energy in an Older Home", promoted sensitive adaptations and noted a combination of repairs and draught proofing or secondary glazing could be suitable. In some situations, secondary glazing could bring even greater energy efficiency improvements than double glazing.

It noted however that secondary glazing might only be suitable for some homes whilst blinds, heavy curtains and the aforementioned repair and draft proofing should be suitable for most homes.

Historic England noted: "we strongly encourage you to conserve your building's historic windows where possible. Older windows are usually durable, functional and repairable if looked after. And they make an important contribution to the character of historic buildings."

Historic England also noted the benefits of double glazing over other methods of window upgrading were often overestimated. Much of the comfort and energy efficiency benefits of new double glazing came from the reduction of draughts that resulted from newly-fitted window frames with integral draught-proofing.

These benefits were also available through repair and draught-proofing of the existing windows, or from fitting secondary glazing. With continual improvements in the performance of secondary glazing it may have even been possible for the performance of secondary glazed windows to exceed that of new double glazing.

In terms of noise reduction, the important criteria was that the windows were well fitted and draughtproofed. Secondary glazing, with its larger gap between the panes, was a better sound insulator. Shutters and heavy curtains could also make significant improvements to noise insulation.

The note from the applicant that the shutters would have to be destroyed was not considered to be accurate. Historic England specifically noted that slim-line secondary glazing could be fitted within the depth of the staff beads to allow for the continued use of shutters.

In summary, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explained that in considering whether to grant permission for developments affecting listed buildings or their setting, the local

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planning authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possessed.

Paragraph 199 of the NPPF stated 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 202 of the NPPF and Policy HE1 of the Warwick District Local Plan 2011-2029 stated that development would not be permitted if it would lead to less than substantial harm to the significance of a designated heritage asset, unless it was demonstrated that this was necessary to achieve substantial public benefits that outweighed that harm or loss which was not found in this case.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 required the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas and Policy HE2 Conservation Areas of WDC's Local Plan recommended resisting alterations which would have had an adverse effect upon the overall character of the conservation area.

Overall, it was considered that the proposal would constitute significant, albeit less than substantial, harm to both the listed building, the wider group listing, and the conservation area through the loss of historic fabric, and the undermining the character and integrity of the building, isolating it from the terrace and having a detrimental impact on the wider conservation area. As such, it was the continued recommendation of the officer that these proposals should be refused.

The following people addressed the Committee:

- Mr Finch, the applicant; and
- Councillor Roberts, District Councillor, speaking in support.

Members acknowledged the weight on heritage but felt that there was room for compromise and it was considered that the changes proposed were not immense and that the appearance of the windows would remain the same. If the Council was serious about tackling climate change, then this application was acceptable and necessary. Members noted that they were ahead of Council policy but there was a climate emergency and this had to be taken seriously.

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

The Committee therefore

Resolved that W/23/0222 be **granted** because it was considered that the sustainability benefits of the applications outweighed the less than substantial harm to the significance of the designated asset.

PLANNING COMMITTEE MINUTES (Continued)

63. **W/23/804 LB – 42 Leam Terrace, Royal Leamington Spa**

The Committee considered an application from Mr Finch for the replacement of single glazed windows with heritage slimline double glazed timber windows in the style of existing. This was done in tandem with consideration of application W/23/0222.

The application was presented to Committee because four letters of support had been received and the application was recommended for refusal. This Listed Building Consent application had been submitted following application W/23/0222 which related to planning permission for the same works and which had received seven letters of support. Application W/22/0222 was initially set to be determined at the August Planning Committee, however, the applicant had requested a postponement so that he could speak in support of the proposal.

The officer was of the opinion that the proposals resulted in unacceptable harm to the listed building and its setting and there were no public benefits which were sufficient to outweigh the extent of that harm. The proposals were therefore contrary to the NPPF, Local Plan Policies HE1, HE2 and BE1 and Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan. It was therefore recommended that planning permission should be refused.

An addendum circulated at the meeting covered both applications W/23/0222 and W/23/804 LB, details of which could be found in minute number 62 above for W/23/0222.

The following people addressed the Committee:

- Mr Finch, the applicant; and
- Councillor Roberts, District Councillor, speaking in support.

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

The Committee therefore

Resolved that W/23/804 LB be **granted** because it was considered that the sustainability benefits of the applications outweighed the less than substantial harm to the significance of the designated asset.

(The meeting was adjourned at 9.50pm until 13 September 2023.)

Resumption of the adjourned Planning Committee meeting held on Tuesday 12 September 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

PLANNING COMMITTEE MINUTES (Continued)

Also Present: Principal Committee Services Officer – Rob Edwards; Legal Advisor – Sue Mullins; Principal Planning Officer – Dan Charles; and Development Manager – Gary Fisher.

64. Apologies and Substitutes

- (a) An apology for absence was received from Councillor Sullivan; and
- (b) Councillor Falp substituted for Councillor Margrave and Councillor Collins substituted for Councillor Sinnott.

65. Declarations of Interest

There were no declarations of interest made.

66. Site Visits

There were no site visits.

67. W/22/1077 – Land to the East of Stratford Road, Longbridge, Warwick

The Committee considered an application with all matters reserved except for access from Midlands Land Portfolio Ltd for employment related development, including B2/B8 use class and E g) iii) use class, together with associated development.

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

The officer was of the opinion that the principle of development was acceptable having regard to Policies EC1 and DS9. Having regard to all the possible impacts of the proposed development, in relation to visual and landscape impacts, the setting of heritage assets, residential amenity, highway safety and traffic, drainage, ecology, sustainability measures and air quality, officers were satisfied that the site could accommodate the proposed development without causing demonstrable harm to the aforementioned matters. In making this assessment, regard had been had to a number of proposed mitigation measures, necessary conditions to secure such measures which would form part of any approved outline permission and a Section 106 Agreement that further sought to ensure the impacts of the development were properly mitigated.

Subject to such conditions being imposed and the subsequent reserved matters applications having regard to the considerations and requirements set out in the report, it was recommended that planning permission should be approved subject to the conditions in the report, as well as the relevant terms of the S106 Agreement which were summarised above in the report.

An addendum circulated at the meeting advised of further public responses of objection, and an amendment to the wording of conditions to allow a phased approach for the submission of reserved matters. This would allow individual parcels of the site to come forward. Elements that related to the whole site would remain as needing to be discharged prior to any works

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commencing. The wording of Condition 28 had been amended for clarity and was proposed to read:

“All shutter/loading doors shall be kept closed before 0700 hours or after 1900 hours on any day except for during the loading/unloading of vehicles or in the event of an emergency. All doors should be closed as quickly as practicable upon completion of the loading/unloading procedure.

Reason: To protect the living conditions of nearby dwellings, in accordance with Policy NE5 of the Warwick District Local Plan.”

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

The Committee therefore

Resolved that W/22/1077 be **deferred** to enable a site visit to be arranged to aid Members’ decision making and help them understand the context of the site when taking their final decision.

(Councillor Collins arrived during consideration of this item and therefore could not vote).

68. W/23/0730 – 7 St Nicholas Terrace, Radford Semele

The Committee considered an application from Mr Mander for the erection of a two-storey side and rear extension, the erection of a single storey front porch extension and a single storey side extension.

The application was presented to Committee because of an objection from Radford Semele Parish Council having been received.

The officer was of the opinion that the proposals would have an acceptable impact on the character and quality of the street scene through the proposed layout, building materials and scale of the development. The proposals would also have an acceptable impact on the living conditions of neighbouring dwellings. The proposals were therefore in accordance with Local Plan Policies BE1 and BE3 and it was recommended that the application should be granted.

Following consideration 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.

The Committee therefore

Resolved that W/23/0730 be **granted** subject to the following conditions:

No.	Condition
(1)	the development hereby permitted shall begin no later than three years from the date

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2222/P/01C, 2222/P/02C, 2222/P/03C, and specification contained therein, submitted on 19/07/2023.

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; |
| (3) | all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building.

Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029; and |
| (4) | prior to the occupation of the development hereby permitted, the windows in the south west facing elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times.

Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029. |
| 69. | W/23/0945 – 11 Hornbeam Grove, Sydenham, Royal Leamington Spa |

The Committee considered an application from Mr Sahota for the change of use from Use Class C3 (residential dwelling) to Use Class C4 (HMO).

PLANNING COMMITTEE MINUTES (Continued)

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

The officer was of the opinion that the proposed change of use was acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area. There would be no increased demand on parking as a result of the change of use. It was therefore recommended for approval.

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

The Committee therefore

Resolved that W/23/0945 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (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 approved site location plan, block plan, and drawing number 2303-2 submitted on the 28 June 2023, 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; and |
| (3) | The total number of bedrooms shall not exceed 4.

Reason: To ensure satisfactory amenity for occupiers of the dwelling and to ensure the satisfactory provision of off-street parking in accordance with the Local Planning Authority's Parking Standards and in the interests of highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029. |

PLANNING COMMITTEE MINUTES (Continued)

70. Planning Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 6.58pm)

CHAIRMAN
16 January 2024