

Planning Committee

Minutes of the meeting held on Wednesday 16 August 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors R Dickson, Dray, B Gifford, Luckhurst, Margrave, Matecki, Phillips, Sinnott and Sullivan.

Also Present: Civic and Committee Services Officer – Patricia Tuckwell; Legal Advisor – Sue Mullins; Business Manager – Rob Young; Planning Officer – Millie Flynn; and Planning Assistant – Thomas Senior.

46. **Apologies and Substitutes**

- (a) Apologies for absence were received from Councillors Cron, Tangri and Williams; and
- (b) Councillor Matecki substituted for Councillor Noonan.

47. **Declarations of Interest**

Minute Number 51 – W/23/0523 – Cherry Apple Cottage, Warwick Road, Leek Wootton

Councillor Dickson declared an interest because he knew a resident in a neighbouring property.

Minute Number 52 – 19 Frances Avenue, Warwick

Councillor Gifford declared an interest because he knew one of the objectors, who had telephoned him., He explained to the objector that he was a member of the Planning Committee and did not discuss the application.

Minute Number 54 - W/23/0639 – 5 Mulberry Drive, Warwick

Councillor Dray declared an interest because the application site was within her Ward.

48. **Site Visits**

To assist with decision making, Councillor Dickson made an independent site visit to W/23/0523 – Cherry Apple Cottage, Warwick Road, Leek Wootton and did not speak to anyone whilst he was there.

49. **Minutes**

The minutes of the meeting held on 20 June 2023 and 18 July 2023 were approved and signed by the Chairman as a correct record.

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

PLANNING COMMITTEE MINUTES (Continued)

This application was withdrawn from the agenda and was therefore not considered by Members.

51. W/23/0523 – Cherry Apple Cottage, Warwick Road, Leek Wootton

The Committee considered an application from Ward Burges Limited for the erection of one four-bedroom dwellinghouse and associated external works.

The application was presented to Committee because of an objection from Guys Cliffe and Leek Wootton Parish Council had been received.

The officer was of the opinion that the proposed dwelling was acceptable in principle and of an acceptable standard of design which would not cause unacceptable harm to the surrounding street scene. The proposal would not result in an unacceptable adverse impact on the amenity of neighbouring uses by reason of overbearing effect, loss of light or privacy. There was also an acceptable impact on the amenity of future occupiers. The proposal was therefore considered to comply with the policies mentioned in the report. It was recommended that the application should be approved subject to conditions.

An addendum was circulated at the meeting which advised of five additional conditions.

The following people addressed the Committee:

- Councillor Eldridge, Leek Wootton Parish Councillor, objecting; and
- Mr Burges, supporting.

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

The Committee therefore

Resolved that W/23/0523 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, approved drawings 22.016-08D, 22.016-07B, submitted on 01/06/2023 and specification |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
|------------|---|
| | contained therein and approved drawing 22.016-03K submitted on 28/07/2023 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; |
| (3) | notwithstanding details contained within the approved documents, prior to commencement of development (within its relevant phase), 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: <ul style="list-style-type: none">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) how proposals will de-carbonise major development;d) details of the building envelope (including U/R values and air tightness);e) how the proposed materials respond in terms of embodied carbon;f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised; andg) 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. |

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
|------------|--|
| | <p>Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;</p> |
| (5) | <p>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.</p> <p>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;</p> |
| (6) | <p>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.</p> <p>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;</p> |
| (7) | <p>the dwelling hereby permitted shall not be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
|------------|--|
| | 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; |
| (10) | <p>the development hereby permitted shall not 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 hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.</p> <p>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;</p> |
| (11) | <p>the existing trees and shrubs indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Conditions
	uprooted. Any trees or shrubs removed, dying, or being severely damaged or diseased or becoming, 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/ within the next planting season] with trees and shrubs of the same size and species as that originally planted. All trees and shrubs shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces).

Reason: To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

(12) the development hereby permitted shall not commence unless and until the tree protection measures in the Arboricultural Impact Assessment report from Higginson Associates dated March 2023 have been implemented in strict accordance with the approved details. The approved measures shall remain in place for the duration of construction works.

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) no development shall be carried out above slab level 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.

Reason: To ensure sufficient information is submitted to demonstrate a satisfactory

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
|------------|---|
| | 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; and |
| (14) | prior to the occupation of the development hereby permitted, the first floor windows in the north and south facing elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. |
| | Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029. |

52. **W/23/0807 – 19 Frances Avenue, Warwick**

The Committee considered an application from Bhambra for the erection of single storey side extension.

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

The officer was of the opinion that the proposal was considered to constitute good quality design and had an acceptable impact on the amenity of the neighbours and the current and future occupiers of the dwelling. The development was considered to pose a low risk to protected species. The proposals were in accordance with the policies mentioned in the report. It was therefore recommended that the application should be approved.

An addendum circulated at the meeting advised that an objector had reiterated concerns relating to the fact that the proposed extension would be located on the boundary between 19 Frances Avenue (application site) and 11 Mercia Way and sought confirmation as to how the proposed extension would be developed without requisite foundations, guttering or roof coverings incurring onto the land of 11 Mercia Way. Officers confirmed to the objector that this issue was not a material planning consideration and instead would be governed by the Part Wall Act, over which the Council had no jurisdiction.

Ms E Bromley addressed the Committee on behalf of Ms L Bromley, speaking in objection to the application.

PLANNING COMMITTEE MINUTES (Continued)

In response to questions from Members, the Planning Officer stated that an additional condition to clarify hours of work could be imposed.

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

The Committee therefore

Resolved that W/23/0807 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 site location plan and approved drawing(s) PL02B, and specification contained therein, submitted on 25/07/2023.

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) | additional condition imposing the standard hours during which any building work must take place. |

53. **W/23/0239 – Land at Field Close, Royal Leamington Spa**

The Committee considered an application from Trio Square Limited for the erection of one dwelling.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because of the number of objections received including an objection from Royal Leamington Spa Town Council.

The officer was of the opinion that the proposed dwelling was acceptable in principle and was of an acceptable standard of design which would not cause unacceptable harm to the surrounding street scene. The proposal would not result in an unacceptable adverse impact on the amenity of neighbouring uses by reason of overbearing effect, loss of light or privacy. There was also an acceptable impact on the amenity of future occupiers. The proposal was therefore considered to comply with the policies stated in the report. It was recommended that the application should be approved.

An addendum circulated at the meeting advised of a typing error in the report. Under the sub-heading "Proposed Living Conditions for The Future Occupiers" (page 5), the report stated that the proposed dwelling would contain five bedrooms, when it was three bedrooms.

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

The Committee therefore

Resolved that W/23/0239 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 site location plan and approved drawing(s) 10106.01, 10106.02, 23-01-201-P0, 23-01-202-P0, 23-01-203-P0, D47139/PMU/C and 23-01-111-P2 submitted on 16th February 2023 and 23-01-112-P3 submitted on 13th April 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; |
| (3) | no part of the development hereby permitted shall be commenced until a scheme for the provision of two suitable nesting boxes for swifts to be erected on buildings within the |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	site and details for the provision of hedgehog access features within proposed site fencing has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location of features on site plans and elevations, and timing of works. The platform(s)/box(es) and access features shall be installed prior to first occupation and thereafter maintained in perpetuity.

Reason: In accordance with NPPF, ODPM Circular 2005/06;

(4) notwithstanding details contained within the approved documents, prior to commencement of development (within its relevant phase), 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.

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

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.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policy CC1 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019);</p> |
| (5) | <p>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.</p> <p>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;</p> |
| (6) | <p>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.</p> <p>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;</p> |
| (7) | <p>prior to the occupation of the dwelling(s) hereby permitted, one 16amp (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)/</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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; |
| (8) | the development shall not be occupied until the existing footway along Harbury Lane has been extended to the application site access, in general accordance with drawing no. 18443-01 Rev. A, and constructed to the specification of the Highway Authority. |
| | Reason: In the interests of highway safety; |
| (9) | the development hereby permitted shall be carried out strictly in accordance with the mitigation proposals as set out in the 'Remediation Strategy: Report BRD3112-OR2-B produced by BRD Environmental Limited and dated August 2020'. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the remediation strategy). This addendum to the remediation strategy statement must detail how this unsuspected contamination shall be deal with. |

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

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	Future monitoring proposals and reporting shall also be detailed in the report.
	Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029; and
(10)	the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development 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.

54. **W/23/0639 – 5 Mulberry Drive, Warwick**

The Committee considered an application from Mr Murphy for the erection of single storey side and rear extension.

The application was presented to the Committee because the applicant was an employee of Warwick District Council.

The officer was of the opinion that the proposal constituted good design and had an acceptable impact on amenity. The development was considered to comply with the policies stated in the report and should be recommended for approval.

PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

Resolved that W/23/0639 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); and |
| (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) M2305_PL_DRG_0001, and specification contained therein, submitted on 28/04/2023.

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. |

55. W/23/0760 – 38 Cobden Avenue, Royal Leamington Spa

The Committee considered an application from Mr Grudzinski for the change of use from a four-bed dwellinghouse (Use Class C3) to a four-bed House in Multiple Occupation (Use Class C4).

The application was presented to the 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 for parking as a result of the change of use. It was therefore recommended that the proposed change of use should be approved.

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

The Committee therefore

Resolved that W/23/0760 be **granted** subject to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- | 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); and |
| (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) 2306/1/A, and specification contained therein, submitted on 4th July 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. |

56. **Appeals Report**

The appeals report was noted.

(The meeting ended at 7.40pm)

CHAIRMAN
13 December 2023