

Planning Committee Tuesday 16 January 2024

A meeting of the above Committee will be held at Shire Hall, Market Place, Warwick on Tuesday 16 January 2024, at 6.00pm.

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

Councillor M Collins
Councillor L Cron
Councillor R Dickson
Councillor B Gifford
Councillor M Luckhurst
Councillor R Margrave

Councillor R Noonan
Councillor P Phillips
Councillor J P Sullivan
Councillor L Williams
Labour Vacancy

Emergency Procedure

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

Agenda Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee meetings held on:

- a) 12 September 2023 **(To Follow)**
- b) 27 September 2023 **(Pages 1 to 2)**
- c) 11 October 2023 **(Pages 1 to 35)**
- d) 7 November 2023 **(Pages 1 to 7)**
- e) 8 November 2023 **(Pages 1 to 28)**
- f) 13 December 2023 **(Pages 1 to 29)**

Part B – Planning Applications

To consider the following reports from the Head of Place, Arts and Economy:

- 5. **W/22/1739 – 26 Wathen Road, Warwick** **(Pages 1 to 9)**
- 6. **W/23/0798 - Mace Buildings Limited, Long Itchington Road, Hunningham** **(Pages 1 to 8)**
- 7. **W/23/1231 – 15 Beaufort Avenue, Cubbington** **(Pages 1 to 6)**
- 8. **W/23/1425 - 6 Lillington Avenue, Leamington Spa** **(Pages 1 to 14)**
- 9. **W/23/1689 - Land on the North East Side of Birmingham Road (To Follow)**

Part C – Other matters

- 10. **Appeals Report** **(To Follow)**
- 11. **Public and Press**

To consider resolving that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Item Number	Paragraph Numbers	Reason
12	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)
12	5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

12. Confidential Minutes

To confirm the minutes of the Planning Committee meetings held on
27 September 2023. **(Pages 1 to 4)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting by attending the meeting in person on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.
- (f) Warwick District Council has adopted Probity in Planning. based on the Local Government Association and Planning Advisory Service Probity in Planning guide. It clarifies how Councillors can get involved in planning discussions on plan making and on applications, on behalf of their communities in a fair, impartial and transparent way.

This guide has been written for Councillors and officers involved in planning, who both should be familiar with their respective codes of conduct and appropriate guidance.

This guide is not intended to, nor does it constitute, legal advice. Councillors and officers will need to obtain their own legal advice on any matters of a legal nature concerning matters of probity.

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

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

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

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Planning Committee

Minutes of the meeting held on Tuesday 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.

PLANNING COMMITTEE MINUTES (Continued)

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

PLANNING COMMITTEE MINUTES (Continued)

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'.

PLANNING COMMITTEE MINUTES (Continued)

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

PLANNING COMMITTEE MINUTES (Continued)

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) | <p>the development hereby permitted shall begin no later than three years from the date of this permission.</p> <p>Reason: 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 approved site location plan, block plan, and drawing number 2303-2 submitted on the 28 June 2023, and specification contained therein.</p> <p>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</p> |
| (3) | <p>The total number of bedrooms shall not exceed 4.</p> <p>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.</p> |

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

Planning Committee

Minutes of the meeting held on Wednesday 27 September 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Principal Planning Officer - Dan Charles, Head of Governance & Monitoring Officer – Graham Leach; Legal Advisor – Sue Mullins; and Business Manager – Rob Young.

71. **Apologies and Substitutes**

- (a) Apologies for absence were received from Councillor Phillips; and
- (b) Councillor Falp substituted for Councillor Margrave and Councillor Collins substituted for Councillor Sinnott.

72. **Declarations of Interest**

There were no declarations of interest made.

73. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006

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

The Committee considered a report from the Head of Governance & Monitoring Officer which explained that, following the decision of the Committee on 12 September 2023, the Council had received advice from a barrister at Number 5 Chambers regarding its decision on this application. This report was provided to the Committee so that it could receive that advice and respond as appropriate.

In reviewing the report from the Monitoring Officer, the advice contained within it and the previous decisions of the Committee on this matter it was proposed, seconded and

Resolved that

- (1) the content of the report, be noted;
- (2) the Committee confirms its objection to the

PLANNING COMMITTEE MINUTES (Continued)

application “on the grounds of non-compliance with planning policy and harm to the setting of the Grade II Listed Building and locally listed park. There are no public benefits to outweigh this harm and therefore the proposals are contrary to Local Plan Policy HE1 and the NPPF. In any event, the proposals would conflict with Local Plan Policy DS22, which imposes a stricter test for development proposals on this particular site. For example criteria (a) to (c) require proposals to protect and enhance the historic assets and their setting and to contribute positively to the landscape character”;

- (3) the decision of the Committee, from June 2023, that if required as part of the appeal process “the finalisation of a Section 106 agreement be delegated to the Head of Place, Arts and Economy in consultation with the Chairman of Planning Committee”, be noted; and
- (4) Councillor Williams be appointed to represent the Committee’s views at the public enquiry.

(The meeting ended at 7.40pm)

CHAIRMAN
16 January 2024

Planning Committee

Minutes of the meeting held on Wednesday 11 October 2023 at Shire Hall, Warwick at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Cron, R Dickson, B Gifford, Kang, Luckhurst, Margrave, Noonan, Rosu, Sullivan, and Williams.

Also Present: Committee Services Officer – Sophie Vale; Legal Advisor – Ross Chambers; Principal Planning Officer – Adam Walker; Principal Planning Officer – Dan Charles; Business Manager – Sandip Sahota; and Head of Governance & Monitoring Officer – Graham Leach.

75. **Apologies and Substitutes**

- (a) An apology for absence was received from Councillor Phillips; and
- (b) Councillor Rosu substituted for Councillor Collins.

76. **Declarations of Interest**

Minute Number 78 – W/22/1228 – Surface Car Park, Talisman Square, Kenilworth

Councillor Dickson declared an interest because he lived within 200m of Talisman Square. However, he had an open mind and did not consider himself to be predetermined in any way.

Minute Number 80 – W/22/1077 – Land to the east of Stratford Road, Longbridge, Warwick

Councillor Rosu declared an interest because he was registered to speak in objection in respect of this application in his capacity as District Councillor. He would remove himself from the debate on this item and would not vote.

77. **Site Visits**

Councillor R Dickson made independent site visits to:

W/22/1228 – Surface Car Park, Talisman Square, Kenilworth;

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

W/23/1115 - Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton.

Councillors Boad, Gifford, Day and Williams attended the group site visit to W/22/1077 – Land to the east of Stratford Road, Longbridge, Warwick.

78. **W/22/1228 – Surface Car Park, Talisman Square, Kenilworth**

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Cobalt Estates (Kenilworth) Limited for a mixed-use development comprising 670sq.m of Class E Floorspace at ground level, with 43 residential units over.

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

The officer was of the opinion that the redevelopment of the site for a mixed commercial and residential scheme had previously been found to be acceptable and the proposal was for a similar form and scale of development. The principle of the proposed Class E units and residential flats was acceptable in this town centre location and the development would contribute towards the vitality of Kenilworth town centre. The massing and design of the building was considered to be acceptable and the development would provide satisfactory living conditions for the future occupiers (subject to consideration of the proposed louvre system as discussed within the report). Furthermore, the proposals would not result in any significant harm to the amenity of neighbouring occupiers and would not unduly prejudice highway safety. There would be no harm to any designated heritage assets and the proposal would not result in any unacceptable ecological impacts. It was therefore recommended that planning permission should be granted.

An addendum circulated at the meeting advised of a clarification on the WCC Highways consultation response, a comment from officers, a clarification on the proposed parking adjacent to the Waitrose store, a comment on the living conditions of future occupiers, and additional public representations.

The following people addressed the Committee:

- Councillor K Dickson, Kenilworth Town Council, speaking in objection;
- Dr Dallaway, objector;
- Dr Fawcett, objector;
- Mr Moss, objector;
- Ms Butler, objector; and
- Mr Pardoe, supporter/applicant.

In response to questions from Members, the Principal Planning Officer confirmed that the Supplementary Planning Document's (SPD) parking standard was 84 spaces. However, the development would only offer 35 car parking spaces. Officers believed that the application met the criteria set out in the SPD regarding highly sustainable locations, which would allow for a reduced number of parking spaces. Therefore, on balance, the reduced number of parking spaces was deemed acceptable. It was acknowledged that 14 of the total number of car parking spaces would be located to the south of the site, slightly further away than was ideal. However, this inconvenience was not deemed substantial enough to warrant a change in assessment.

The Principal Planning Officer explained that the design of the building was a subjective issue. Officers had made a judgement against the relevant

PLANNING COMMITTEE MINUTES (Continued)

policies and concluded that the design was acceptable, despite being larger than surrounding properties.

The Council's Legal Officer reminded Members that weight needed to be given to the application site's existing Planning approval as this was a material consideration relating to design. The current application was in fact smaller than the one with existing approval. He also explained that the Warwickshire Local Plan was a material consideration in the previous application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Dickson and seconded by Councillor Cron that the application should be refused in relation to concerns about design and the under-provision parking.

(At 7.10pm, the meeting was adjourned for 10 minutes so Officers could gather more information to advise Councillors.)

Following the short adjournment, the Council's Legal Advisor stated that robust, clear, evidence-based planning reasons needed to be given in order to refuse the application contrary to the recommendation in the report.

Members clarified that, in their view, the proposals conflicted with policies TC1, BE1 and TR3 of the Warwickshire Local Plan regarding the design of the application and the under-provision of car parking spaces. It was also determined that the proposals conflicted with policies KP12 and KP13 in the Kenilworth Local Plan for the same reasons. In terms of parking, weight was also given to the objection received from the WCC Highways Officer.

The Council's Legal Advisor accepted that these were valid planning concerns which officers could defend.

The advice from the Legal Advisor was accepted by Councillor Dickson and seconded by Councillor Cron, and the proposal was put to a vote.

The Committee therefore

Resolved that W/22/1228 be **refused**, contrary to the recommendation in the report, because the proposals would conflict with policies BE1, TC1, TR3, KP12 and KP13 in the Warwick District Local Plan and Kenilworth Neighbourhood Plan respectively.

(Councillor Tangri left the room briefly during consideration of this item and therefore could not vote.)

79. **W/23/1115 - Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton**

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

PLANNING COMMITTEE MINUTES (Continued)

drainage and other associated works and infrastructure (all matters of detail reserved except for the vehicular access to the site).

The application was presented to Committee because of the number of objections including an objection from Leek Wootton and Guys Cliffe Parish Council, and also because the recommendation was one of approval, subject to a Section 106 Agreement.

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 changed, which 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.

Technical Matters had been resolved to the satisfaction of statutory consultees. On this basis, no objection was raised to the proposal.

Subject to the outstanding information being submitted to the satisfaction of the relevant consultees, Officers recommended that the application should be granted subject to the conditions set out within the report and subject to the completion of a Section 106 Agreement to secure the required obligations.

The following people addressed the Committee:

- Councillor Coates, Leek Wootton and Guys Cliffe Parish Council, speaking in objection;
- Mr Cooper, objector;
- Mr Gill, objector;
- Ms Rigby, objector;
- Mr Wilson, objector;
- Ms Owen, supporter; and
- Councillor Payne, District Councillor, speaking in objection.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Gifford that the application be refused in line with the reasons given with the last time an application for Talisman Square came before the Committee. He noted that this could have been an opportunity for the applicant to come back with a masterplan to comply with policy DS22, but instead it was the exact same plan as before.

Before this proposal was seconded, Councillor Williams requested to slightly reword the order of refusal reasons. He acknowledged that the Committee's primary concern was non-compliance with policy DS22, so wanted to put this first and then concerns surrounding harms outweighing public benefit second. He also proposed to keep biodiversity concerns as part of the refusal reason.

PLANNING COMMITTEE MINUTES (Continued)

The Council's Legal Advisor noted that biodiversity concerns were not part of the reason for refusal last time. Biodiversity concerns were encompassed in a note to the applicants but were not included in the reasons provided by the Committee. If Members were minded to add this to the refusal reasons then they needed to consult with Officers.

At 8.19pm, it was proposed by Councillor Boad and seconded by Councillor Gifford that the public and press be excluded from the meeting so that the Committee could discuss confidential information relating to the ongoing enquiry regarding the Committee's previous decision on the application site, and to receive advice from the Council's Legal Advisor.

At 8.57pm, the Committee resumed public session to deliver the verdict. As the original proposer, Councillor Gifford accepted amendments to include biodiversity to the refusal reason. It was then proposed by Councillor Gifford and seconded by Councillor Cron that the application should be refused.

The Committee therefore

Resolved that W/23/1115 be **refused**, contrary to the recommendation in the report because of the harm to the setting of the Grade II Listed Building and locally listed park. There were no public benefits to outweigh this harm and the proposals would conflict with Local Plan Policy DS22, which imposed a stricter test for development proposals on this particular site. Criteria (a) (b) (c) and (h) required proposals to protect and enhance the historic assets and their setting and to contribute positively to the landscape character. Furthermore, the proposals were therefore contrary to Local Plan Policy HE1 and the NPPF.

The proposal was contrary to Policy DS22 as it would not bring about a comprehensive redevelopment of the site as a whole through a masterplan as envisaged by that policy, and as a direct result of this, the biodiversity offsetting was not able to be achieved on site, and therefore the proposal was also contrary to Local Plan Policy NE3.

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

The Committee considered an outline application (with all matters reserved except for access) from Midlands Land Portfolio Limited 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 and because it was recommended that planning permission be granted subject to the completion of a legal agreement.

PLANNING COMMITTEE MINUTES (Continued)

The Officer was of the opinion that this was an outline planning application, with all matters reserved except for access for the development of 8.8hectares of land for employment purposes consisting of Use Classes B2, B8 and E(g)iii.

No indicative details had been presented at this stage in relation to the possible siting or appearance, but a Parameters Plan indicated the parts of the site in which built form was expected to be located. The Parameters Plan also set out the maximum scales of development within the site.

The principle of development was considered 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 was made to a number of proposed mitigation measures, necessary conditions to secure such measures which would form part of any approved outline permission and a S.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 set out in the report, as well as the relevant terms of the S.106 Agreement which were summarised in the report.

An addendum circulated at the meeting advised that an additional representation from the public had been received, and of the following additional condition requested by WCC Highways:

"Prior to first occupation of the development, the developer shall complete a routing agreement with the Local Planning Authority (in conjunction with the Local Highway Authority), in order to prevent goods vehicles from the site using nearby residential areas or the weight limited Town Centre routes in Warwick. The agreement shall include for monitoring facilities such as ANPR to identify any vehicles not complying with the Routing Agreement. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029".

The following people addressed the Committee:

- Dr Hodgetts, Conservation Advisory Forum, speaking in objection;
- Mr Gardener, objector;
- Mrs Wallbank, objector;
- Councillor Holland, objector;
- Mr Wakefield, supporter/applicant; and
- Councillor Rosu, District Councillor, speaking in objection.

PLANNING COMMITTEE MINUTES (Continued)

In response to questions from Members, the Principal Planning Officer stated that:

- condition 20 (1) related to the maximum height that would be permitted on the site. The height was based on the floor area of the building and the condition aimed to provide maximum flexibility for the applicants;
- if Members were minded to grant this application, any future reserved matters applications could not be refused solely on the grounds of the height of the building. Members would not be bound to accept a building reaching the maximum height, but their reasons for refusal would need to be in relation to the reserved matters issues and any potential harm caused;
- the application being considered was for the principal access of the roundabout only. Everything else, including cycle and pedestrian routes, would come under future reserved matters applications. There were no details as of yet for the site, only an indicative plan that was subject to change;
- the maximum height of 18.5m stemmed from the 15m internal clear working height;
- recent times had demonstrated that industrial warehouses, especially those within the use class B8, were now in demand, The site was designated employment land so would be suitable for this type of application; and
- design, appearance, layout, and landscaping would fall under reserved matters.

In response to further comments from Members, the Business Manager explained that:

- the site was allocated in the Local Plan as employment land and a lot of the decisions about the conditions for the outline application were taken at the point of allocation;
- Members were able to either amend the height limit set out in condition 20 (1) or to remove the condition altogether. The reserved matters application could then determine the scale of the building;
- to ensure that the reserved matters application would be considered, Members were entitled to call it in to Planning Committee within the 21-day period; and
- there was not enough information provided at this time to put an exact height restriction on the building.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Gifford that the application be granted. However, there were concerns about the number of EV charging points, so Councillor Gifford requested that condition 33 be amended to increase the required provision of EV charging points.

The Principal Planning Officer then explained that this was not possible as the requirement that one in 10 parking spaces be equipped with EV charging points was the minimum requirement as set out in the Supplementary Planning Document.

PLANNING COMMITTEE MINUTES (Continued)

At this point, it was suggested that condition 8 on BREEAM standards be removed to allow for it to be part of a future reserved matters application. This was due to Members requesting that a higher BREEAM rating be required in line with the upcoming Net Zero Carbon DPD (NZDPD). The Business Manager acknowledged the Committee's sustainability aspirations, but reminded Members that the NZDPD could not yet be taken into consideration.

The Head of Governance and Monitoring Officer added that the NZDPD was due back from the Inspector within the next few weeks and would be going to Cabinet in November. As the Committee did not yet know the Inspector's verdict on the NZDPD, too much weight could not be given to it when making a decision.

Councillor Dickson then proposed that the application be granted, subject to the removal of condition 20 (1). As the original proposer, Councillor Gifford accepted this amendment.

Going back to the request to remove condition 8 about the BREEAM rating in anticipation of the NZDPD, the Business Manager stated that BREEAM requirements may well change in the future, but decisions needed to be based on current, rather than future, policy. The Council's Legal Advisor noted Members' comments about new policy but explained that condition 8 needed to be imposed at the outline stage of the application, rather than waiting for the reserved matters. He suggested that the condition be kept in, but that authority could be delegated to officers to review the wording of it.

Councillor Gifford accepted the advice to delegate authority for review of the BREEAM condition. Thus, it was proposed by Councillor Gifford and seconded by Councillor Dickson that the application be granted, subject to the additional condition contained within the addendum, the removal of condition 20 (1), and the delegation of authority to Officers to review the wording of condition 8.

The Committee therefore

Resolved that W/22/1077 be **granted**, subject to

- 1) the signing of a Section 106 agreement;
- 2) authority be delegated to officers to review the wording of the BREEAM condition to ensure that detailed plans which come forward comply with any higher standards in the Net Zero Carbon Development Plan document, if adopted when detailed proposals are submitted. The wording of the revised condition to be agreed by the Chairman; and
- 3) the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) | <p>details of the appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved.</p> <p>Reason: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended);</p> |
| (2) | <p>application for approval of the reserved matters shall be made to the local planning authority not later than five years from the date of this permission.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);</p> |
| (3) | <p>the development to which this permission relates shall begin within eight years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);</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;</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Conditions
	<ul style="list-style-type: none">• temporary measures required to manage traffic during construction• plans and details for the turning, unloading and loading of vehicles within the site during the construction• the parking of vehicles of site operatives and visitors; site working hours and delivery times• the loading and unloading of plant and materials• the storage of plant and materials used in constructing the development• the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate• wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway• measures to control the emission of dust and dirt during construction• details in relation to mitigation of potential noise and vibration• restrictions on burning• a scheme for recycling / disposing of waste resulting from demolition and construction works• details of all temporary contractors buildings.

A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted

PLANNING COMMITTEE MINUTES (Continued)

No.

Conditions

- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model 2
- The development of a method statement detailing the remediation requirements
- a) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
- b) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

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

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | to the method statement must detail how this unsuspected contamination shall be dealt with. |
| 3. | Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. |

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

- (7) notwithstanding details contained within the approved documents, prior to commencement of any phase 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

PLANNING COMMITTEE MINUTES (Continued)

No.	Conditions
	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; and
g)	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 been adopted by the Council at the time the scheme is submitted.

No 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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Warwick District Local Plan (2011-2029) and National Design Guidance (2019); |
| (8) | <p>prior to the submission of Reserved Matters for any new building, a BREEAM pre-assessment demonstrating how the proposed building will achieve BREEAM "Very Good" Standard (or better) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Thereafter, the development hereby permitted shall not be commenced unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. A Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority within 3 months of first occupation.</p> <p>Reason: To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029;</p> |
| (9) | <p>no phase of the development hereby permitted shall commence until details of all external light fittings and external light columns have been submitted to and approved in writing by the Local</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | <p>Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the building and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:</p> <ul style="list-style-type: none">• Lighting should be directed away from vegetated areas• Lighting should be shielded to avoid spillage onto vegetated areas• The brightness of lights should be as low as legally possible;• Lighting should be timed to provide some dark periods;• Connections to areas important for foraging should contain unlit stretches. <p>Reason: In accordance with NPPF, ODPM Circular 2005/06 and Policy NE2 of the Warwick District Local Plan 2011-2029;</p> |
| (10) | <p>the development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details including:</p> <ul style="list-style-type: none">• existing habitat and protected/notable species information, including a clear site plan;• updated and detailed protected and notable species surveys as required prior to work starting on site, together with any |

PLANNING COMMITTEE MINUTES (Continued)

No.

Conditions

- appropriate follow-up measures to be taken;
- details of tree and shrub protection;
 - care should be taken when clearing the ground prior to development to ensure protected and/or notable species are not adversely affected during or after the construction period. If evidence of reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services or Natural England are contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010;
 - any holes or trenches shall be covered over at night & other periods when the site is undisturbed, to prevent animals falling into them. Any materials stored during such times should be raised above ground (eg on pallets) to prevent animals sheltering underneath them, and building waste put in skips and not left lying around for animals to take refuge in it. Concrete not to be left unset during such times unless suitable barriers are erected;
 - breathable roofing membranes, BRMs, started to be used from 2004 onwards. Research has shown that all BRMs pose a

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | threat of entanglement to bats. Only traditional Type 1F bitumen roofing felt is safe for bats. Further advice and information can be obtained from the Bat Conservation Trust (BCT); and |
| | <ul style="list-style-type: none">• any proposed habitat enhancements such as tree & shrub planting should also be detailed, and should be of native species, and in line with the Warwickshire Landscape guidelines. Aftercare details to be included, such as avoidance of harmful pesticide use. |

The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that trees and shrubs, together with protected species are not harmed by the development, and to enhance the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;

- (11) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the 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

PLANNING COMMITTEE MINUTES (Continued)

No.	Conditions
	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. Reason: To ensure a net biodiversity gain in accordance with NPPF;

(12) prior to the commencement of any phase of the development hereby approved (including all preparatory work), a Tree Protection Plan and an Arboricultural Method Statement, together referred to as the scheme of protection, that will detail how the retained trees are to be protected from harm during the development shall be submitted to and approved in writing by the Local Planning Authority.

The scheme of protection must be prepared in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations (referred to here as BS 5837) and shall refer to a retained tree's root protection area (RPA as defined in BS 5837) and to any work that may affect a retained tree above-ground.

Specific issues to be considered in the scheme of protection shall include how to control:

- the impact that demolition may have (if appropriate).
- the impact that the installation of services/utilities/drainage may have (if appropriate).
- the impact that construction may have
- the impact that changes in level may have.

The scheme of protection should make recommendations for:

PLANNING COMMITTEE MINUTES (Continued)

No.

Conditions

1. tree pruning to allow the development to proceed (if appropriate)
2. tree protection, to be shown on the TPP with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection
3. tree protection measures where under and overground services are to be installed close to retained trees (if appropriate)
4. ground protection where scaffolding will be erected (if appropriate)
5. ground protection where cranes will be installed (if appropriate).
6. the specification and installation of any boundary treatments within or adjacent RPA's or that may impact any of the retained trees
7. the specification for the construction of any access, driveway, parking area or the like that encroach over the RPA's of the retained trees
8. site setup, including (but not limited to) site access, parking, on-site welfare facilities, temporary buildings, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing, including suitable control measures to protect the retained trees from harm from those facilities or activities
9. a site monitoring protocol that will confirm by independent examination by a suitably qualified tree specialist that the agreed scheme of protection is in place

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | 10. The development thereafter shall be implemented in strict accordance with the approved scheme of protection. |

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) prior to the submission of any Reserved Matters applications for any phase of development:
- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work for the eastern area of the site shall be submitted to and approved in writing by the Local Planning Authority
 - b) The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the Local Planning Authority
 - c) An archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be

PLANNING COMMITTEE MINUTES (Continued)

No. **Conditions**
informed by the result of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (14) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 30l/s for the site in line with the approved Flood Risk Assessment and Drainage Strategy (ref 330201857/400 revision 1, dated 17/01/2023).
 2. Where the drainage scheme proposes to connect into an

PLANNING COMMITTEE MINUTES (Continued)

No.

Conditions

existing surface water sewer network details should be provided demonstrating the suitability of the outfall location. Details should include:

- a) The point of connection location
 - b) Evidence that the existing network is in a suitable condition to provide a suitable outfall for the site.
 - c) A method statement for the connection works.
 - d) Agreement under Section 106 of the Water Industry Act (1991) as appropriate.
3. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
4. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:

PLANNING COMMITTEE MINUTES (Continued)

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Conditions

- a) Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
 - b) Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - c) Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - d) Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
6. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
- a) Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - b) Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | are set to a minimum of 150mm above surrounding ground levels. |
| | c) Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding. |

Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity;

- (15) no occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (ref 330201857/400 revision 1, dated 17/01/2023) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:
1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
 2. Any As-Built Drawings and accompanying photos
 3. Results of any performance testing undertaken as a part of the application process (if required / necessary)
 4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 5. Confirmation that the system is free from defects, damage and foreign objects

Reason: To secure the satisfactory drainage of the site in accordance with the agreed

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | strategy, the NPPF and Local Planning Policy; |
| (16) | <p>no occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should;</p> <ol style="list-style-type: none">1. Provide the name of the party responsible, including contact name, address, email address and phone number2. Include plans showing the locations of features requiring maintenance and how these should be accessed.3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance |

Reason: To ensure the future maintenance of the sustainable drainage structures;

- (17) the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.

Reason: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | the Warwick District Local Plan 2011-2029; |
| (18) | <p>the Reserved Matters for any phase to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels and cross-sections to show the relationship with adjacent land and buildings.</p> <p>Reason: In the interests of urban design and to ensure the proposals do not harm the amenity of nearby buildings and they are in keeping with the surrounding landscape in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (19) | <p>the Reserved Matters for any phase to be submitted in accordance with Condition 1 shall include samples of facing, roofing and hard surfacing materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of urban design in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (20) | <p>the development hereby permitted shall not be used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless:</p> <ul style="list-style-type: none">a) a noise assessment (including details of noise mitigation measures if deemed appropriate) has been submitted to and approved in writing by the local planning authority; and |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | b) any noise mitigation measures approved under (a) have been implemented in strict accordance with the approved details. Any noise mitigation measures shall thereafter be retained and maintained in strict accordance with the approved details at all times that the unit is used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987.' |

Reason: To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan;

- (21) the Reserved Matters to be submitted in accordance with Condition 1 shall include details of footpaths and cycleways for pedestrians and cyclists, including details of how new links will connect into the existing footpath/cycleway network. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority.

Reason: In the interests of urban design and the promotion of sustainable transport choices in accordance with Policies BE1 and TR1 of the Warwick District Local Plan 2011-2029;

- (22) the Reserved Matters to be submitted in accordance with Condition 1 shall include details of the provision of access for vehicles to include access for pedestrians and cyclists up to and including the ownership boundary to allow unhindered connection into the remainder of the allocated site.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | <p>Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of comprehensive development, urban design and the promotion of sustainable transport choices in accordance with Policies BE1 and TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (23) | <p>any soft landscaping referred to in Condition 1 shall be completed in all respects within 6 months of the substantial completion of development. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs 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 there interest of visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (24) | <p>where trees are to be felled or lopped, it should be ensured that this work does not disturb nesting birds, with work ideally being conducted outside the main breeding season (March-September). All nesting birds are protected from disturbance or injury under the 1981 Wildlife and</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | <p>Countryside Act. In addition, if mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats prior to work starting.</p> <p>Reason: Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act, and are also deemed a European Protected Species. Local Authorities are bound by the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions;</p> |
| (25) | <p>the Reserved Matters to be submitted for any phase in accordance with Condition 1 shall include details of secure cycle parking of an appropriate level for the proposed floor space of the building. The development shall be constructed in full accordance with such approved details and thereafter those facilities shall remain available for use at all times.</p> <p>Reason: In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;</p> |
| (26) | <p>within one month of the occupation date of any new building, an updated Travel Plan in accordance with Warwickshire County Council guidance will be submitted and approved in writing by the Local Planning Authority in consultation with the Local Highway Authorities to include arrangements for ongoing monitoring of implementation and effectiveness</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | with targets to reduce private car movements to and from the site.

Reason: To ensure the provision of opportunities for travel by all modes of transport to and from the development site and prevent a reliance on car-based journeys. Ensuring the safe and efficient operation of the highway network and protecting the environment; |
| (27) | noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

Reason: To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (28) | no noisy external activities likely to cause nuisance to nearby residences shall take place on site before 0700 hours or after 1900 hours on Monday to Saturday or before 0900 hours or after 1800 hours on a Sunday or Bank / Public Holiday.

Reason: To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| (29) | <p>as part of any reserved matters submission for a new building on the site, a supplementary noise impact assessment report and, where necessary, a noise mitigation scheme shall be submitted to ensure that potential adverse noise impacts are reduced to a minimum. This assessment should be a refinement of the applicant's existing noise assessment report (Ref. NT15727, dated April 2022) and tailored to address the finalised proposed site layout. Thereafter, the development shall not be occupied until the noise mitigation measures have been put in place and maintained in perpetuity.</p> <p>Reason: To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (30) | <p>the development hereby permitted shall not be occupied unless and until an acoustic close-boarded fence has been installed between the western boundary and any proposed service yard located on that area of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The fence shall be imperforate, sealed at the base, and shall have a minimum superficial density of at least 10kg/sq.m. Once installed the fence shall be retained thereafter and shall not be altered in any way without expressed written consent from the local planning authority.</p> <p>Reason: To protect the amenities of occupants of nearby properties in accordance with Policies BE3 &</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | NE5 of the Warwick District Local Plan 2011-2029; |
| (31) | <p>to ensure that future site users are not exposed to unpleasant/offensive odours from the adjacent sewage treatment works, regularly occupied spaces such as receptions, offices, canteens, etc. should not be located within the 5.0 (or higher) ouE/m³ odour contour areas as shown on Figure 4 of the Olfasense odour impact assessment report (Ref. STMP20A_06_FINAL, date 29th June 2021).</p> <p>Any office accommodation ancillary to industrial units within these areas will likely require filtered air ventilation and cooling system to minimise the ingress of odours. It would be advisable to factor in filtered ventilation systems in all regularly occupied spaces across the development to account for any uncertainties in the odour modelling process. The reserved matters application shall provide a proposed site layout drawing with the odour contour plan overlaid to demonstrate which (if any) structures will be located within the 5.0 ouE/m³ and above odour contour areas. Where regularly occupied spaces are proposed within these contour areas, the reserved matters application shall detail the arrangements for odour mitigation.</p> <p>Reason: To safeguard the health and safety of the occupiers of the development in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (32) | <p>no chimneys or flues shall be installed on any of the premises hereby permitted other than in strict accordance with details that shall have been submitted to and</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | approved in writing by the local planning authority. |
| | Reason: To ensure that the development would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (33) | prior to the occupation of the development hereby permitted, one 16amp (minimum) electric vehicle recharging point per every 10 parking spaces 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 points have been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging points; (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 points 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; |
| (34) | 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 |

Planning Committee

Minutes of the meeting held on Tuesday 7 November 2023 at Shire Hall, Warwick at 6.00pm.

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

Also Present: Civic and Committee Services Manager – Patricia Tuckwell; Legal Advisor – Sue Mullins; Graham Leach – Head of Governance Services and Monitoring Officer; and Development Manager – Gary Fisher.

81. **Apologies and Substitutes**

There were no apologies for absence.

82. **Declarations of Interest**

There were no declarations of interest made.

83. **Site Visits**

W/23/1220 LB – Pump Rooms, Parade, Royal Leamington Spa

Councillors Boad and Dickson made an independent visit to this application site.

Councillor Gifford declared that he was very familiar with the application site.

W/23/0364 - Euro Garages, Stratford Road, Warwick

Councillor Dickson made an independent visit to this application site.

Councillor Phillips confirmed that he had been a regular user of the garages for several years but had not been there for a few months.

W/23/0765 – 47a Kenilworth Road, Royal Leamington Spa

Councillor Gifford made an independent visit to this application site.

84. **W/23/0985 and W/23/0986 LB - Kingswood Farm, Old Warwick Road, Lapworth**

These applications were withdrawn from the agenda to enable officers to further consider the proposals and were therefore not considered by Members.

85. **W/23/1220 LB – Pump Rooms, Parade, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for works to the Pump Rooms reception area, including removal of all modern roller shutters in reception, as well as removal of a modern door and partition wall to the back office and its replacement with a new door-set and glazed

PLANNING COMMITTEE MINUTES (Continued)

panel. The application was also for the installation of a solid partition wall with clerestory glazing to follow previous placement of roller shutters.

This application was deferred from the meeting of 11 October 2023 and was presented to the Committee because of the number of objections received, including an objection from the Royal Leamington Spa Town Council.

The officer was of the opinion that the proposed works were acceptable and would result in a neutral impact overall. The works were confined to the late twentieth century addition to the Pump Rooms, with partitions following an existing delineation of space and the special historic and architectural character of the listed building maintained. Materials to be introduced were considered sympathetic and there was felt to be a negligible impact on the conservation area. The application was therefore recommended for approval on the basis that it complied with Local Plan Policy HE1 & HE2, and the relevant sections of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

An addendum circulated at the meeting advised of an additional six objections that had been received since the publication of the agenda. The addendum also informed Members about revised drawings proposing minor revisions to the screening detailing and the material regarding the proposed internal door and window units. The timber detailing had been reduced slightly in thickness to more closely resemble the existing café detailing and the proposed door and window sets were to be timber framed rather than aluminium, to sit more comfortably with the detailing.

These revisions were considered to be acceptable by officers and resulted in minor visual improvement to the proposals.

In addition, the update report advised that the sample materials condition had been updated to require samples of all finished materials to ensure a high level of design and appearance throughout. A Large Scale Details condition had also been added in relation to the proposed windows and doors again to ensure a high standard of design and appearance.

In response to a question raised by Councillor Dickson, the addendum clarified that the works the subject of the Listed Building application were internal and not considered to have a significant effect on the external appearance of the building.

The following people addressed the Committee:

- Councillor McAllister, Royal Leamington Spa Town Councillor, objecting;
- Mrs Patrick, objecting; and
- Mr Eurich, speaking in support.

Councillor Gifford was concerned that the application contravened Local Plan Policy HE1 because it would damage the carefully designed atrium built in the 1990s, designed to draw the whole of the complex together, it being an area where people could mingle. The proposals would replace it with becoming a passageway and it would lose the vital meeting place, and the less than substantial harm was not outweighed by the public benefit. For these reasons, it was proposed by Councillor Gifford and seconded by Councillor Dickson that

PLANNING COMMITTEE MINUTES (Continued)

the application should be refused. However, when put to vote, the motion was defeated.

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

The Committee therefore

Resolved that W/23/1220 LB be **granted**, subject to:

- 1) amended drawings as listed in the addendum and above, to reflect the minor revisions to the screening detailing and the material regarding the proposed internal door and window units;
- 2) an amendment to the Sample Materials condition to require samples of all finished materials to ensure a high level of design and appearance throughout;
- 3) an additional Large Scale Details condition in relation to the proposed windows and doors, to ensure a high standard of design and appearance; and
- 4) the following conditions:
 - (1) the works hereby permitted shall begin no later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended);

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan 5214913-ATK-XX-XX-DR-B-003 P01 and approved drawings WDC-ATK-RP-00-DR-ID-300107 P01, WDC-ATK-RP-00-DR-ID-300106 P01, WDC-ATK-RP-00-DR-ID-300104 P01 WDC-ATK-RP-00-DR-ID-300102 P01, WDC-ATK-RP-00-DR-ID-300101 P01 RPRR-ATK-MB-00-DR-A-171002 P01, RPRR-ATK-MB-00-DR-A-110004 P01, RPRR-ATK-MB-00-DR-A-110002 P01, RPRR-ATK-MB-00-DR-A-110001 P01, RPRR-ATK-MB-00-DR-A-015001 P01, RPRR-ATK-MB-00-DR-A-011003 P01, and specifications contained therein, all submitted on 21/8/2023.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029; and

PLANNING COMMITTEE MINUTES (Continued)

- (3) no development shall be carried out above slab level unless and until samples of the proposed timber slats to be used for cladding have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory appearance in relation to the listed building in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.

(Councillors Sullivan and Tangri left the room and the Chairman paused the meeting for a few minutes to allow for their return.)

86. **W/23/0364 – Euro Garages, Stratford Road, Warwick**

The Committee considered an application from EG Group for the demolition of the existing development and the erection of a Petrol Filling Station with an ancillary food retail shop and creation of four rapid electric vehicle charging points, along with air and water bays.

The application was presented to the Committee because of the number of objections received. The application was included on the agenda for the previous Planning Committee meeting. However, the item was not heard at that meeting.

The officer was of the opinion that the proposals were acceptable in principle and in relation to all of the detailed matters that had been assessed in the report. The proposal was considered to comply with LP Policy TC2 and was considered acceptable in principle. It was therefore recommended that planning permission should be granted.

An addendum circulated at the meeting advised of a point of clarification relating to the floor area of the shop. It also advised of an additional representation received in support of the application and provided a response to a question raised by Councillor Dickson prior to the meeting.

Mrs Aston 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 Boad and seconded by Councillor Williams that the application should be deferred.

The Committee therefore

Resolved that W/23/0364 be **deferred** in order to enable:

- (1) further clarity to be provided on proposed noise attenuation measures and their benefits, including the extent and detail of the proposed acoustic fence;

PLANNING COMMITTEE MINUTES (Continued)

- (2) consideration to be given to exploring further opportunities for additional or extended noise attenuation measures;
- (3) further clarity to be provided on the requirements of proposed condition 8 in non-technical language;
- (4) clarification of the position regarding ecology;
- (5) the applicant to provide any further information or clarification on lighting proposals for the site (Officer note – it is not unusual for lighting details to come forward at a later time and therefore further details cannot be required of the applicant, however officers will raise this with them); and
- (6) clarification of the tracking details for vehicles entering the site from both directions and the Highways Authority position on this aspect.

87. W/23/0765 – 47A Kenilworth Road, Royal Leamington Spa

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

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

The officer was of the opinion that the proposals had an acceptable impact on the character and quality of the street scene and conservation area 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, HE1, HE2, BE3, and the Residential Design Guide SPD. The officer recommended the application should be granted.

An addendum circulated at the meeting advised that the application was not considered to have an unacceptable impact on neighbouring amenity at Nova Lodge to the north. The development would not breach the 45-degree line and first floor side facing windows were to be conditioned as obscure glazed and non-opening up to 1.7m to prevent unacceptable overlooking.

The following people addressed the Committee:

- Councillor McAllister, Leamington Spa Town Councillor, objecting; and
- Mr Phillips, objecting.

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

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/23/0765 be **granted**, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission.

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

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 23102-002E, 23102-003E and specification contained therein, submitted on 09/10/2023.

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) prior to the occupation of the development hereby permitted, the proposed first and second floor windows in the north side elevation, and the proposed roof lights in the north and south 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 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;

- (4) no development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads, and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: To ensure an appropriate standard of design and appearance within the Conservation

PLANNING COMMITTEE MINUTES (Continued)

Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; and

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

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies BE1 and HE1 of the Warwick District Local Plan 2011-2029.

(The meeting ended at 8.09pm)

CHAIRMAN
16 January 2024

Planning Committee

Minutes of the meeting held on Wednesday 8 November 2023 at Shire Hall, Warwick at 6.00pm.

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

Also Present: Principal Committee Services Officer – Lesley Dury; Head of Governance & Monitoring Officer – Graham Leach; Legal Advisor – Sue Mullins; Business Manager – Rob Young; Principal Planning Officer – Adam Walker and Planning Officer – Jack Lynch.

88. **Apologies and Substitutes**

There were no apologies for absence or substitutions made.

89. **Declarations of Interest**

Minute Number 93 – W/23/0740 – 4b Fieldgate Lane, Kenilworth

Councillor Williams declared an interest because he knew one of the interested parties involved and lived in proximity to the property. He left the room whilst this application was considered.

90. **Site Visits**

W/23/0740 – 4b Fieldgate Lane, Kenilworth

Councillor Dickson visited the site before the last time the application was due to come before the Committee.

91. **W/22/2017 – Barns on Pit Hill, Bubbenhall**

This application was withdrawn by the applicant.

92. **W/23/0988 – The Old Nursery, 6, Mill Road, Royal Leamington Spa**

This application was withdrawn from the agenda pending the submission of further information in relation to ecology.

93. **W/23/0740 – 4b Fieldgate Lane, Kenilworth**

The Committee considered an application from Mrs Sarjeant for a proposed remodelling of the existing dwelling house to include a proposed infill extension at ground floor level, a proposed erection of a detached garage to the rear, a proposed extension of the gravel driveway, a proposed installation of solar array and roof lights, a proposed internal remodelling including garage conversion, a proposed revision to fenestration and replacement doors and the proposed rendering and stone/larch cladding.

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

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the application constituted good quality design and did not result in material harm to the amenity of neighbouring uses. The proposal did not cause any harm to the significance of a designated heritage asset and was in accordance with relevant policies and it was therefore recommended that the application should be approved.

An addendum circulated at the meeting advised that the driveway to be extended was gravel, not block paving and Condition 2 had been amended with the new wording stated in the addendum.

The following people addressed the Committee:

- Councillor Jones, Kenilworth Town Council, objecting;
- Mr Griffiths, objector; and
- Mr Smith, the owner of the property, speaking in support.

A concern was raised by a Member about the objection raised in the Ecologist's report about bats and asked for a condition to require an inspection for bats at the property. The Chairman referred Members to page 6 of the report where a reason was given why there should not be an ecological report because of the limited work to the roof and the surrounding trees. Officers explained that the stated works to the roof could be done without the need to apply for planning permission and therefore it would be unreasonable to impose a condition in this instance, but officers would include an informative note to the applicant to ensure no harm to those species if some were discovered when the works were carried out; this did not need to form part of any decision to grant the Committee made because it would be done should permission be granted.

Officers also confirmed that the works to the driveway did not require planning permission. Concerns raised by residents about boundaries were a private matter and not a matter over which the Council had any authority.

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 Sullivan that the application should be granted in accordance with the recommendation in the report and the amendment to Condition 2 detailed in the addendum.

The Committee therefore

Resolved that W/23/0740 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) | the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the |
- Item 4e/ Page 2

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | details shown on the site location plan, submitted on 30/10/2023, and approved drawings; |
| | DR-22.705-A-200-P3 (submitted on 25/10/2023),
DR-22.705-A-201-P2 (submitted on 21/09/2023),
DR-22.705-A-202-P1 (submitted on 21/09/2023),
DR-22.705-A-203-P2 (submitted on 21/09/2023), and
DR-22.705-A-204-P1 (submitted on 21/09/2023), |
| | 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) | prior to the commencement of the development hereby approved (including all preparatory work), a sufficiently detailed and proportionate Tree Protection Plan and Arboricultural Method Statement, together referred to as the scheme of protection, that will detail how all the retained trees within the site, where they might be impacted by the development, are to be protected from harm during the development shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan should be overlaid upon the approved plan of the development.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection.

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; and |
| (4) | all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those shown on drawing number DR-22.705-A-203-P2.

Reason: To ensure that the visual amenities of the area are protected, and to satisfy the |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

(Councillor Williams re-entered the room to join the Committee. The meeting was adjourned at 6.40pm for two minutes at the request of a Councillor who required a comfort break.)

94. W/23/0880 – Land south of Stoneleigh Road, Stoneleigh

The Committee considered an application from High Speed 2 (HS2) Limited for the extension of the A46 main compound for HS2 construction purposes for a temporary period, including site clearance works, stockpiling of soil, materials storage, security cabins, plant and wheel wash facilities, HGV/plant parking, drainage infrastructure, internal spine and haul roads with access from Stoneleigh Road.

The application was presented to Committee because of the number of objections received, including an objection from Stoneleigh & Ashow Parish Council.

The officer was of the opinion that the proposed development was required in connection with the delivery of HS2, a nationally important infrastructure project. There was an existing construction compound being used to deliver a section of the route and the proposal would allow for an extension of the existing compound to facilitate storage and management of materials as well as providing a new access off Stoneleigh Road for all associated construction traffic. The proposal would provide several benefits, including reducing construction traffic on local roads and minimising interaction with peak times on the road network.

The proposal would give rise to a series of environmental impacts which had been considered within the assessment. It was considered that the potential impacts of the development could be mitigated to an acceptable extent and, importantly, there would not be any permanent adverse impacts because of the temporary nature of the development. As such, the benefits of the proposal in terms of facilitating the delivery of HS2 and the other benefits identified within the application were considered to clearly outweigh the temporary harm that would arise, including harm to the Green Belt. This was subject to the satisfactory resolution of drainage and biodiversity issues as detailed within the assessment and subject to the conditions set out in the report.

An addendum circulated at the meeting advised that following the removal of the Lead Local Flood Authority's holding objection, the officer recommendation had been amended. The recommendation was now that the application should be granted subject to the conditions set out within the report and the addendum.

The Lead Local Flood Authority no longer objected to the application subject to a condition requiring the submission and approval of a detailed surface water drainage scheme. It was therefore considered that drainage matters had been satisfactorily resolved.

PLANNING COMMITTEE MINUTES (Continued)

The updated drainage proposals included a low bund adjacent to the stockpile mounds in the eastern part of the site to channel run-off water towards the attenuation pond. The bund would be a maximum height of 0.5m and constructed from site-won material.

The bund would be parallel to the eastern site boundary and located on the edge of the root protection area. The Tree Officer had confirmed that the inclusion of this feature would not have any significant implications for the adjacent trees.

WCC Ecology had provided further comments on the application in response to the additional information previously provided by the applicant. No specific concerns had been raised and conditions had been recommended to secure the proposed mitigation and compensation measures for the protected species present on the site and to secure the delivery of a biodiversity net gain.

Condition 6 provided for biodiversity net gain and condition 12 secured the proposed biodiversity mitigation measures. It was, however, considered necessary to amend the wording of condition 12 to explicitly reference protected species and the proposed compensation measures. Subject to these conditions (as amended), the proposal was considered acceptable in terms of ecological matters.

The applicant had provided an update on progress with the ongoing trial trenching on the site. A Summary Notice document dated 7 November 2023 had been submitted which confirmed that as of that date 94 trenches had been excavated out of a total of 98 planned trenches. 93 of the trenches contained no archaeological features / deposits and one of the trenches contained the remains of a post-medieval field boundary ditch. The final four trenches were to be excavated between 7 – 10 November.

The investigation work undertaken helped to confirm that the use of a planning condition was appropriate to address archaeological matters. The full findings of the archaeological investigation and any necessary mitigation would need to be submitted for approval by the Local Planning Authority as part of Condition 3.

The trial trenching was being undertaken in accordance with an agreed written scheme of investigation which detailed an appropriate programme of archaeological evaluative work. An amendment to the wording of Condition 3 was therefore recommended to reflect the fact that an appropriate scheme had already been agreed with Officers. This also necessitated a minor change to the wording of Condition 2.

The report stated that "the trip generation for the proposed development is to be 272 two-way HGV trips per day". For clarification, the extension itself would not add any additional HGV movements over and above that allowed for under the HS2 Act and the number of movements was controlled as part of an existing, separate consent under HS2 legislation.

The report mentioned a roadhead that was originally planned to be created directly onto the A46 Kenilworth Bypass and which was no longer intended to be formed. It was important to clarify that this was entirely unrelated to

PLANNING COMMITTEE MINUTES (Continued)

the proposed compound extension and reflected a downward trajectory in HGV movements compared with those envisaged at the time of the 2017 HS2 Act coming into force.

The applicant had requested a minor amendment to the wording of Condition 8 to alter the timing for the submission and approval of the temporary landscape and maintenance scheme for the outer faces of the stockpiles. It had been requested that such details were required before any of the stockpiles were formed on the site instead of before the development was brought into use.

Officers had no concerns with the applicant's proposed amended wording. It would still ensure that relevant details for the stockpiles were agreed at an appropriate time while affording the developer some greater flexibility.

The addendum gave details of a pre-meeting question and the corresponding response from Councillor Dickson.

An additional Condition was advised for surface water drainage and the wording for amended Conditions 2, 3, 8 and 12 was given.

The Chairman informed the Committee that a representative from Stoneleigh & Ashow Parish Council was present at the meeting, but the Parish Council had not registered to speak so there would not be any speakers addressing the Committee on this application.

During the presentation, officers advised that should the Committee grant the application, an additional condition was recommended to secure full details of a scheme for the proposed biodiversity or habitat enhancement areas. The Chairman advised that following removal of the Lead Flood Local Authority's holding objection, the officer recommendation had been amended and Planning Committee were recommended to grant planning permission subject to the conditions set out in the main Committee report and the addendum to that report, plus the biodiversity statement.

Members sought absolute certainty that the land would be restored to its pre-development state and that a piece of the Green Belt would not be lost. A Member suggested that Condition 1 could be strengthened by explicitly adding to the condition a requirement that the land was to be restored to its previous state no later than seven years.

Concerns raised about surface water were mitigated by Condition 15; officers advised that the full details on drainage were still to be agreed.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Margrave and seconded by Councillor Collins that the application should be granted in accordance with the recommendation in the report, and the revisions as set out in the addendum and the revised recommendation stated in the meeting subject to the revision to Condition 1 to require the land to be restored, no later than seven years, to its former state.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/23/0880 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) | <p><u>Time limit:</u></p> <p>the development hereby permitted is limited for a period of seven years from the date of this permission. Before the expiration of the planning permission, all structures, buildings, construction materials, hard surfacing and ancillary works associated with the compound shall be removed from the application site and the land restored to its pre-development condition and land use. The land shall be restored in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority within five years of the date of this permission. The site shall be restored to its pre-development condition no later than seven years from date of this permission.</p> <p>Reason: The proposed development is for a temporary period and is only acceptable on this basis. This is in the interests of preserving the Green Belt, local landscape character, the land resource, ecology, amenity and highway safety;</p> |
| (2) | <p><u>Approved plans:</u></p> <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings listed below and specification contained therein, subject to any variations required in connection with Condition 3(b).</p> <ul style="list-style-type: none">• HS2 A46 MAIN COMPOUND EXTENSION PROPOSED LAYOUT• HS2 A46 MAIN COMPOUND EXTENSION SECTIONS• HS2 A46 MAIN COMPOUND EXTENSION PROPOSED TEMPORARY BUILDINGS <p>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;</p> |
| (3) | <p><u>Archaeology:</u></p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | no development shall take place until: |
| a) | the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production as detailed within the Location Specific Written Scheme of Investigation for A46 Link Road and Compound Extension Trial Trenching (Document Number: MC08-BBV_AEC-EV-PLN-N001-000001) and Project Plan A46 Link Road and Compound Extension Trail Trenching (Document Number: 1MC08-BBV-EV-PLN-NS01_NL03-000005) has been undertaken, and a report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to and approved in writing by the Local Planning Authority; |
| b) | a mitigation strategy, informed by the results of the archaeological evaluation, has been submitted to and approved in writing by the Local Planning Authority, to include any archaeological mitigation measures, including any necessary adjustment to the layout and details of the scheme. |

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition, shall be undertaken in accordance with the approved archaeological mitigation strategy. The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the District's 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 and guidance in the National Planning Policy Framework;

- (4) Tree protection measures:

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>prior to the commencement of the development hereby approved (including site clearance or other preparatory works), the tree protection measures in the Arboricultural Assessment from HS2, reference TT12 dated June 2023, and shown on the appended Tree Constraints Plan, together referred to as the scheme of protection, shall be adopted. 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>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;</p> |
| (5) | <p>the existing trees as indicated on the submitted Tree Constraints Plan shall be retained and shall not be cut down, grubbed out, topped, lopped or uprooted. Any trees 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 of the cessation of the compound use shall be replaced within the next planting season with trees of the same size and species. All trees 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).</p> <p>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;</p> |
| (6) | <p><u>Biodiversity net gain:</u></p> <p>the development hereby permitted shall not be brought into use unless and until a detailed scheme for biodiversity</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>enhancements to achieve a net gain in biodiversity has been submitted to and approved in writing by the Local Planning Authority. The net biodiversity impact of the development shall have been measured in accordance with the DEFRA biodiversity offsetting metric 4.0. The scheme shall include full details of the type and location of the proposed biodiversity enhancements, a schedule detailing the timings for the provision of the enhancements and details of future maintenance and monitoring. The enhancement measures shall be provided in accordance with the approved scheme.</p> <p>Reason: To ensure net gains in biodiversity, in accordance with the requirements of the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan;</p> |
| (7) | <p><u>Mitigation measures:</u></p> <p>the development hereby approved shall be carried out in full accordance with the published Environmental Minimum Requirements for HS2 Phase One, the submitted Code of Construction Practice and Related Documents (Ref: TT15, June 2023) and all mitigation measures contained within the Environmental Statement and Appendices (Ref: TT6, TT8 & TT9, June 2023).</p> <p>Reason: To mitigate the impacts of the development as detailed within the Environmental Statement;</p> |
| (8) | <p><u>Landscape scheme for stock piles:</u></p> <p>before the formation of any of the stockpiles as shown on the approved layout plan, a temporary landscape scheme and maintenance thereof for the outer faces of the proposed stockpiles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the proposed landscape and visual mitigation measures, including the use of seeded wildflower grassland on the outer faces of the proposed stockpiles, as well as ground preparation prior to seeding and the proposed use of the arisings generated by the established swards. The landscape and visual amenity mitigation measures shall be</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | implemented in accordance with the approved scheme and as detailed on drawing numbers TT25 and TT26.

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; |
| (9) | <u>Travel plan</u>

the development hereby permitted shall be carried out in accordance with the measures detailed within the Framework Workforce Travel Plan contained within the submitted Transport Assessment and any approved Workforce Travel Plans associated with the operation of the existing compound.

Reason: In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029; |
| (10) | <u>Access:</u>

the temporary access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

Reason: In the interests of highway safety and to accord with Policy TR1 of the Warwick District Local Plan; |
| (11) | <u>Removal of temporary access:</u>

upon completion of the access arrangements permitted under planning permission W/20/2013 (or any approval that modifies that permission) all parts of the access onto Stoneleigh Road hereby approved shall be closed and the kerb and verge reinstated in accordance with the standard specification of the Highway Authority. |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Reason: In the interests of highway safety and to accord with Policy TR1 of the Warwick District Local Plan; |
| (12) | <p><u>Biodiversity mitigation:</u></p> <p>the development shall be carried out strictly in accordance with the proposed mitigation and compensation measures for protected and notable species as detailed within the Biodiversity Statement (Ref TT14, June 2023) and the Environmental Statement. All species specific mitigation and compensation features shall be provided and retained in accordance with the approved details.</p> <p>Reason: To mitigate the impact of the development on biodiversity and to accord with Policies NE2 and NE3 of the Warwick District Local Plan and guidance in the National Planning Policy Framework;</p> |
| (13) | <p><u>Unexpected contamination:</u></p> <p>in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority;</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework;</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(14) <u>Lighting:</u>	<p>a detailed design for the proposed lighting of the site shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The lighting scheme shall be designed in accordance with the principles set out within the submitted Light Pollution Assessment (Ref: TT21, June 2023). The approved lighting shall be provided and operated in accordance with the approved detailed design.</p> <p>Reason: In the interests of biodiversity, the visual amenity of the landscape and residential amenity and to accord with policies NE3, NE4 and BE3 of the Warwick District Local Plan;</p>
(15) <u>Surface water drainage:</u>	<p>notwithstanding the submitted information, no development shall take place until a surface water drainage scheme for the site, that is based on the drainage principles detailed within the application submission, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is brought into use. The scheme to be submitted shall:</p> <ol style="list-style-type: none"><li data-bbox="783 1397 1390 1603">1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the agreed QBar Greenfield runoff rate of 108.7 l/s for the site.<li data-bbox="783 1615 1406 2065">2. Provide revised drawings / plans illustrating the proposed attenuation basin. It's recognised in an extreme event, the wider earthworks will be utilised to retain water and this should be demonstrated / illustrated through drawings including cross sections, of proposed features These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ol style="list-style-type: none">3. Provide revised detailed, network level calculations demonstrating the performance of the holistic system.4. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date including the proposed bund.5. Provide information regarding maintenance including:<ol style="list-style-type: none">a. The name of the party responsible, including contact name, address, email address and phone number.b. Relevant plans (such as showing the locations of features), and how these should be accessed and how surface water each relevant feature shall be maintained.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity and to accord with Local Plan Policy FW2 and guidance in the NPPF; and

- (16) an additional condition to secure full details of a scheme for the proposed biodiversity or habitat enhancement areas.

95. **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.

96. **Probity in Planning Report**

The Committee considered a report from the Head of Governance & Monitoring Officer which brought forward the probity in planning document of Warwick District Council for consideration by the Committee and referral to Council.

Appendix 1 to the report set out the Probity in Planning document.

An addendum circulated at the meeting advised changes to the wording of the Probity in Planning document that had been made as a result of feedback from Members.

The document was based on the Local Government Association and Planning Advisory Service Probity in Planning guide. It clarified how Councillors could get involved in planning discussions on plan making and

PLANNING COMMITTEE MINUTES (Continued)

on applications, on behalf of their communities in a fair, impartial and transparent way.

The guide had been written for Councillors and officers involved in planning and operated alongside Councillors' and officers' own Codes of Conduct and guidance.

The guide was not intended to, nor did it constitute, legal advice. Councillors and officers would need to obtain their own legal advice on any matters of a legal nature concerning matters of probity.

To help develop the skills and knowledge of the Committee, Group Leaders supported that site visits should be held regularly before the Committee met. If there were no specific applications on the agenda that met the test, as set out in the Probity document, a previous granted and since developed application should be visited. This would help to develop understanding for both Councillors and officers of the more challenging applications.

The Head of Governance & Monitoring Officer introduced the report. He had included a section on site visits because previously site visits had not been made on a regular basis and following feedback the decision had been taken that these should be more frequent. These would include visits to sites of previous applications which had been granted, especially the more difficult applications that had been determined. A balance had to be found to ensure that the Members were not overburdened with site visits but that they were often enough so that a standing contract could be arranged with a taxi firm to guarantee that site visits were easy to administer and arrange.

In response to questions from Members, the Head of Governance & Monitoring Officer and the Chairman advised that:

- Any questions submitted by Members on planning applications ahead of the meeting, no matter by what means these questions were submitted would be recorded together with the officer response and made available to all Members. The process should be transparent, and Members were asked to keep telephone enquiries to a minimum to help the process of keeping a complete record.
- The role of the Chair should be added to the document and should detail the interaction between the Chair and officers ahead of meetings. This would help future Chairs. The Head of Governance & Monitoring Officer advised that both the Chair and the Vice-Chair received a briefing ahead of each meeting. These briefings were to look at the presentations and the Chair would often suggest additional helpful material that could be included. They were not to make any decisions on the applications. The briefings helped the Committee meetings flow better.
- Policing on the use of mobile phones in meetings was within the purview of the Chair. The section on mobile phones in the document was included to draw attention to the need for respecting the meeting in the same way as Members would not be expected to be holding private conversations with others whilst the meeting was in progress. It was accepted that mobile phones could be a useful resource at times, but Members were provided with WDC devices for

PLANNING COMMITTEE MINUTES (Continued)

use in meetings. Members' attention was drawn to the fact that meetings were video recorded, and the camera did not just film the person speaking, others were captured on film also.

- External officers such as WCC Highways Officers were asked to attend meetings, when necessary, but they could not always accommodate these requests. The use of pre-meeting questions was suggested as a possible way to mitigate the impact on the meeting when the officer could not be present.
- The pre-presentation stage needed to be referenced in the document because this allowed Members to comment prior to the meeting to allow for meaningful presentations at the meeting. Members were advised to make these comments promptly to allow sufficient time to provide the requested information. Presentations helped evaluate whether a site visit was beneficial.
- Officers would investigate software to help navigate presentations better, some software allowed 3D presentation. Officers would also look at where video presentations would help.

Recommended to Council that:

- (1) the adoption of the Warwick District Council Probity in Planning document as Annex to the Constitution, as set out at Appendix 1 as amended by the addendum to the report and with the following additional additions:
 - a. the inclusion of the Chair and Vice Chair briefing
 - b. reference to access for the Committee to officers' presentations ahead of the meeting; and
 - c. that any telephone enquiries from Members of the Committee are also, as per emails, recorded in the addendum.

(See Appendix 1 to these minutes for the Warwick District Council Probity in Planning document agreed by Planning Committee.)

Resolved that the document be reviewed after 12 months operation with views sought from the Committee and Officers and brought back to Committee for consideration.

(The meeting ended at 7.32pm)

CHAIRMAN
16 January 2024

**Warwick District Council
Probity in Planning**

Foreword

This is based on the Local Government Association and Planning Advisory Service Probity in Planning guide. It clarifies how Councillors can get involved in planning discussions on plan making and on applications, on behalf of their communities in a fair, impartial and transparent way.

This guide has been written for Councillors and officers involved in planning, who both should be familiar with their respective codes of conduct and appropriate guidance.

This guide is not intended to, nor does it constitute, legal advice. Councillors and officers will need to obtain their own legal advice on any matters of a legal nature concerning matters of probity.

Introduction

Planning has a positive and proactive role to play at the heart of local government. It helps to stimulate growth whilst looking after important environmental areas. It can help to translate goals into action. It balances social, economic, and environmental needs to achieve sustainable development.

The planning system works best when Councillors and officers involved in planning understand their roles and responsibilities, and the context and constraints in which they operate.

Planning decisions involve balancing many competing interests. In doing this, decision makers need an ethos of decision-making in the wider public interest on what can be controversial proposals.

It is recommended that Councillors should receive regular training on code of conduct issues, interests and predetermination, as well as on planning matters.

The general role and conduct of Councillors and officers

Councillors and officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst officers are responsible to the Council as a whole. At Planning Committee officers advise based on their professional training and experience, Councillors and the Council decisions. Officers are employed by the Council, not by individual Councillors. A successful relationship between Councillors and officers is based upon mutual trust, understanding and respect for each other's positions.

Both Councillors and officers are guided by their respective codes of conduct. The 2011 Localism Act sets out a duty for each local authority to promote and maintain high standards of conduct by Councillors and to adopt a local code of conduct. In line with this, Warwick District Council, along with all Parish & Town Councils in Warwick District, has adopted the Local Government Association Model Code of Conduct.

PLANNING COMMITTEE MINUTES (Continued)

The adopted codes of conduct for both Councillors and officers are consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

All Councillors and Officers should embrace the standards within the Code of Conduct central to the preservation of an ethical approach to Council business, including the need to register and disclose interests, as well as appropriate relationships with other Councillors, staff, and the public.

Officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct, breaches of which may be subject to disciplinary action by the Institute.

In addition to these codes, the Council Procedure Rules set down the rules which govern the conduct of Council business.

Within their adopted Codes of Conduct, Councillors and officers are advised not to accept gifts and hospitality. Any Councillor or officer receiving any such offers over and above an agreed value must let the Council's Monitoring Officer know, in writing. Guidance on these issues for both Councillors and officers are set out in the Council's adopted code of conduct.

Serving Councillors and officers must not act as agents for people pursuing planning matters within their authority, even if they are not involved in the decision making on it.

The determination of a planning application is a formal administrative process involving the application of national and local policies, reference to legislation and case law as well as rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. All involved should remember the possibility that an aggrieved party may seek a Judicial Review of the Council's decision and/or complain to the Ombudsman on grounds of maladministration or a breach of the Council's codes of conduct.

Registration and disclosure of interests

The Code of Conduct for Councillors, adopted under the Localism Act, places requirements on Councillors regarding the registration and disclosure of their pecuniary interests and the consequences for a Councillor taking part in consideration of an issue in the light of those interests. The failure to register a disclosable pecuniary interest, participation in discussion or voting in a meeting on a matter in which a Councillor has a disclosable pecuniary interest, are criminal offences. Advice should always be sought from the Council's Monitoring Officer. Ultimately, responsibility for fulfilling the requirements rests with each Councillor.

The provisions of the Code of Conduct for Councillors goes further than the legal requirements of the Localism Act and includes other interests which may impact on the finance or well-being of the Councillor, a relative or close associate or a body of which they are a member. These place further requirements on Councillors for disclosure and on participation in decision making. Councillors should always think about how a reasonable member of the public, with full knowledge of all the relevant facts, would view the matter when considering whether the Councillor's involvement would be appropriate. If members are unsure, they should always be cautious in their approach.

PLANNING COMMITTEE MINUTES (Continued)

It is always best to identify a potential interest early on. If a Councillor thinks that they may have an interest in a particular matter to be discussed at Planning Committee they should seek advice from the Monitoring Officer as early as possible.

Predisposition, predetermination, or bias

Members of a Planning Committee, (or Local Plan Advisory Group, Cabinet and Council when the local plan is being considered) need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies.

The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a 'closed mind' approach and likely to leave the Committee's decision susceptible to challenge by Judicial Review.

Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear they are willing to listen to all the considerations presented at the Committee before deciding on how to vote (predisposition). The latter is acceptable, the former is not and may result in a Court quashing such planning decisions.

Section 25 of the Localism Act also provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter.

This reflects the common law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased.

For example, a Councillor who states "the proposed development is a blot on the landscape and I will oppose each and every windfarm application that comes before the Committee" will be perceived very differently from a Councillor who states: "Many people feel the development is ugly and noisy and I will need a lot of persuading that this should be allowed in our area."

If a Councillor has predetermined their position, they should withdraw from being a member of the decision-making body for that matter. They could, however, register to speak on this matter and could have a substitute take their place on the Committee for that meeting.

The Portfolio Holder responsible for Place can be a member of the Planning Committee, but significant caution needs to be applied and this should only be in limited circumstances, They should not participate in any Council application, ones from Council partners, or ones that come through as part of wider strategic projects or programmes. Like the Portfolio Holder for Place, other members of the Council, who have participated in the development of planning policies and proposals, need to exercise great caution during their involvement in decision making committees. This is because in both instances there is significant scope for predetermination or at least significant public concern of predetermination.

PLANNING COMMITTEE MINUTES (Continued)

Development proposals submitted by Councillors and officers, and Council development

Proposals submitted by serving Councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. Proposals could be either planning applications or, for example, local plan allocation proposals. Such proposals must be handled in a way that gives no grounds for accusations of favouritism.

For that reason, Councillors should play no part in the consideration of any proposals they submit to the Council.

Any proposals submitted by serving Councillors or officers will be reported to the Planning Committee and not dealt with by officers under delegated powers.

A Councillor would undoubtedly have a disclosable pecuniary interest in their own application and should not participate in its consideration. They do have the same rights as any applicant in seeking to explain their proposal to an officer, but as an applicant, the Councillor should not seek to improperly influence the decision.

Proposals for the Council's own development (which includes proposals from Milverton Homes (either solely or as part of another Joint Venture), any Joint Venture (or similar) of which the Council is a partner or Warwickshire County Council), other than for approval of routine minor developments will be treated with the same transparency and impartiality as those of private developers.

However unless the proposals are for minor routine developments, such proposals will be reported to Planning Committee for determination. The Cabinet will be recognised as the applicant in this instance and therefore no member of the Cabinet will be permitted to sit as a member of the Planning Committee for such an item.

Lobbying of and by Councillors

Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their ward member or to a member of the Planning Committee.

The Nolan Committee's 1997 report stated: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves".

Lobbying can lead to the impartiality and integrity of a Councillor being called into question, unless care and common sense is exercised by all the parties involved.

As noted earlier in this guidance note, the common law permits predisposition but nevertheless it remains good practice that, when being lobbied, Councillors (members of the Planning Committee in particular) should try to take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments.

PLANNING COMMITTEE MINUTES (Continued)

In such situations, members of the Committee should restrict themselves to giving advice about the process and what can and can't be taken into account. Councillors can raise issues which have been raised by their constituents, with officers. If Councillors do express an opinion to objectors or supporters, it is good practice that they make it clear that they will only be in a position to take a final decision after having heard all the relevant arguments and taken into account all relevant material and planning considerations at Committee.

If any Councillor, whether or not a Committee member, speaks at the decision-making committee, they should withdraw from the meeting room once any public or ward member speaking opportunities had been completed in order to counter any suggestion that members of the Committee may have been influenced by their continuing presence.

The balance of roles between being a local Councillor and taking decisions with an open mind on Committee, is finely balanced and a significant challenge, but is the responsibility of the Councillor.

Planning decisions can only be made on the merits of the application, relevant national and local policies. They cannot be made on a party political basis and the use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.

Planning Committee, local plan advisory group members and Cabinet members should, in general, avoid organising support for or against a planning application and avoid lobbying other Councillors.

Councillors should not put pressure on officers for a particular recommendation or decision, and should not do anything which compromises, or is likely to compromise, the officers' impartiality or professional integrity.

Members of the Council can request within the specified consultation period i.e. 21 days that an application is referred to Planning Committee for determination. All requests should clearly state the planning reasons why a Committee referral is required.

Pre-application discussions

The Council has an adopted procedure for a Proposed Development Review Forum that can be requested by applicants to engage with the Council head of significant development coming forward. This is available via the Council's website.

Councillors can support applicants in pre-application advise with Officers, however in these instances the Councillor should not have any involvement in the determination of the application, though can address Committee if the matter comes before Planning Committee.

Prior to the meeting

The agenda and reports will be published five clear working days in advance of the meeting, in line with legislation. The agenda will be available to access on the Warwick District Council website and also in paper form at the Town Hall, Parade, Royal Leamington Spa.

All Members of the Committee will be provided with access to the draft presentations by Officers to the Committee, normally at least five clear working

PLANNING COMMITTEE MINUTES (Continued)

days, in advance of the Committee date. This is to enable Committee members to request the inclusion in the Officer presentation of any further information or images that they consider would be helpful/ would assist the Committee in reaching a decision.

All members will have considered the officers' reports prior to arriving at the meeting of the Committee.

The Chair and Vice-Chair will have a briefing on the items on the agenda ahead of the meeting, normally the Wednesday before the Committee. This will focus on the structure and administration of the meeting, key issues that may arise and a review of the officers' presentations. The Chair or Vice-Chair may request the inclusion of additional information in Officer presentations at this briefing.

Officer reports to Committee

Over a number of years, decisions made by the courts and the ombudsman have clarified what should be contained in officer reports to Committee. To provide guidance, based on these wider clarifications, officer reports on planning applications will include the following:

- The substance of any objections and other responses received to the consultation.
- A clear assessment of the application against the relevant Development Plan policies, relevant parts of the National Planning Policy Framework (NPPF), any financial contributions required from the development (e.g. S106 agreement), and any other material planning considerations.
- a written recommendation for a decision to be made.
- technical appraisals which clearly justify the recommendation.

If the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify the departure must be clearly stated. This is not only good practice, but also failure to do so may constitute maladministration or give rise to a Judicial Review challenge on the grounds that the decision was not taken in accordance with the provisions of the Development Plan and the Council's statutory duty under s38A of the Planning and Compensation Act 2004 and s70 of the Town and Country Planning Act 1990.

Any oral updates or changes to the report should be recorded.

Public speaking at Planning Committees

Public confidence is generally enhanced and direct lobbying may be reduced by the ability to allow public speaking at meetings.

The Council's procedure rules set out who can speak at meetings. People wishing to speak will fall into five categories, and these are:

- Parish/Town Council;
- Warwick District Towns Conservation Area Advisory Forum;
- Objector(s) to the application;
- Applicants/Supporters of the application; and
- Warwick District Councillor.

Anyone wishing to speak at Planning Committee must register their request to do so by 10am on the working day before (not of) the Committee.

PLANNING COMMITTEE MINUTES (Continued)

Members of the public are not permitted to circulate any new documents (i.e. documents that have not previously been submitted to the Council on the relevant application) to the Planning Committee at the meeting, This is because Councillors will not be able to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material considerations arising. This is made clear to those who intend to speak by the Civic & Committee Services Team when an individual register to speak.

At the Planning Committee meeting, messages including via mobile devices should never be passed to, or between individual Committee members, either from other Councillors, Committee members or from the public. Members should be mindful of the perception that may inadvertently be created by the use of mobile devices by Councillors within the meeting. The passing of messages could be seen as seeking to influence that member improperly and may create a perception of bias that would be difficult to overcome. It also creates the possibility for allegations being made that the Planning Committee did not take into account all the relevant information if members are seen to be using their devices and not paying attention to what is being said in the meeting.

Procedure at Planning Committee

The ruling of the Chairman for the meeting on the interpretation of any of either this document and the Council Procedure Rules, will not be challenged at any meeting of the Committee.

All Planning applications with public speakers will be dealt with first, followed by consideration of the remaining items in the order in which they appear above. This may not be the order in which they appear on the published agenda.

The Planning Officer will introduce their report, giving any updates since the preparation of the report.

The names of those persons registered to speak will then be announced by the Chair, in the order of: Parish/Town Councils, Warwick District Towns Conservation Area Advisory Forum, Objectors, Applicants/Supporters and District Councillors.

There will not be a specific formal questions slot.

After all the speakers have finished, the Chair will open the item up to the Planning Committee for questions of clarification of officers and then debate. In the debate no Officer or Councillor will be permitted to address the Committee without the permission of the Chair.

Finally, the Committee will be asked to take a decision on the application.

Reasons for Decisions

The law requires that decisions should be taken in accordance with the Development Plan, unless material planning considerations (which specifically include the NPPF) indicate otherwise (s38A Planning & Compensation Act 2004 and s70 of the Town and Country Planning Act 1990).

This applies to all planning decisions. Any reasons for refusal must be justified by reference to relevant Development Plan policies and other material considerations.

PLANNING COMMITTEE MINUTES (Continued)

The courts have expressed the view that the Committee's reasons should be clear and convincing. The personal circumstances of an applicant or any other material or non-material planning considerations, for example a significant number people have objected and the application might cause local controversy will rarely satisfy the relevant tests.

Planning Committees can, and sometimes do, make a decision which is different from the officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation. Sometimes it will change the outcome of the application, from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of compliance of the application with relevant policies, or of the weight ascribed to material considerations.

Officers will provide advice to any member of the Committee on an application before it, either in advance of or during the meeting. In advance of the meeting Councillors are advised to do this by emailing the case officer and copying in planningcommittee@warwickdc.gov.uk. The responses to these enquiries will be included within the addendum to the agenda published before the meeting. A Councillor may also seek advice from officers via telephone if they so wish.

For any decision the proposer and seconder will identify relevant policies and/or other material considerations and give detailed reasons as to how and why they are applicable to the decision. In doing so, Members need to consider carefully any evidence for or against their reasons.

The Committee can consider adjourning for a few minutes to enable the proposer and seconder to take advice from relevant officers on framing the proposal they wish to put to the Committee.

When the Planning Committee makes a decision contrary to the officers' recommendation (whether for approval or refusal or changes to conditions or S106 obligations), a copy of the minute of the decision will be placed on the application file.

Officers will assist the Committee in formulating the reasons for a decision but to enable this, the Committee must identify the relevant policy and state how/why this is relevant to their decision. Councillors need to explain in full their planning reasons for not agreeing with the officer's recommendation. Pressure should never be put on officers to 'go away and sort out the planning reasons'. The officers have a duty to provide advice to the Committee and protect the wider Council. Therefore, they will advise on the implications of a contrary decision, including an assessment of a likely appeal outcome, and chances of a successful award of costs against the Council, should one be made.

In proposing or seconding a decision, particularly where it is proposed to refuse planning permission contrary to the Officer recommendation, the proposer and seconder should understand they may be expected to contribute to written or verbal evidence at appeal including at Public Inquiries to support the Council's reason(s) for refusal.

All applications that are clearly contrary to the Development Plan must be advertised as such and are known as 'departure' applications. If it is intended to approve such an application, the material considerations leading to this conclusion

PLANNING COMMITTEE MINUTES (Continued)

must be clearly identified, and how these considerations justify overriding the Development Plan must be clearly demonstrated.

The application may then have to be referred to the relevant Secretary of State, depending upon the type and scale of the development proposed (s77 of the Town and Country Planning Act 1990). If the officers' report recommends approval of such a departure, the justification for this must be included, in full, in that report.

Following the meeting Officers have delegated Authority to "Formulate and issue decision notices following consideration by the Planning Committee in accordance with the resolution of the Planning Committee." This is not to change the decision but used to amplify the decision and ensure standard phrases and reasoning are included, in doing so making the decisions as robust as possible. This is in instances where Committee have changed or added conditions/notes and or come to a contrary view to the recommendation in the report.

Committee site visits

National standards and local codes of conduct also apply to site visits. Decisions to visit sites should be made on a clear and consistent basis to help avoid accusations that visits are arbitrary, unfair or a covert lobbying device. Officers will have visited the site and assessed the scheme against policies and material considerations already.

Site visits should only be used in exceptional circumstances where the benefit of carrying out a site visit is clear and substantial. A site visit is only likely to be necessary if:

- the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers or interested party; and/or
- the proposal is a significant regional or national development or particularly contentious.

Any Site visit undertaken by the Committee will be in accordance with the procedure set out at Appendix A to this document.

Procedures are in place to seek to minimise the deferral of planning applications to enable a site visit to take place. This is because such a deferral delays the determination of the application and increases both the financial and time costs of doing so.

Prior to the meeting, officers invite members to identify whether there are any sites that they consider necessitate a site visit and if so the reasons, as set out above, for that. This does not stop a site visit subsequently being requested at the meeting of the Committee as it may be further discussion at the meeting identifies a potential need to visit the site. A record of the reasons why a site visit is called will be recorded within the minutes of the Planning Committee.

When a site visit is proposed by a Committee member during debate, the Chair will ask for a seconder for that proposal and take a vote on it. If it is carried the item will stand deferred to enable a site visit. Prior to moving to the next item the Chair will seek any clarifications members of the committee would like to see on site and/or when the report comes back to Committee.

When a site visit is agreed, all Committee members are expected to attend.

PLANNING COMMITTEE MINUTES (Continued)

A Councillor may visit an application site alone. In such a situation, a Councillor is only entitled to view the site from public vantage points and they have no individual rights to enter private property. They should also not discuss the application in any form with anyone at the site. Whilst a Councillor might be invited to enter a site (either the application site or an adjoining site) by the owner, it is not good practice to do so on their own, as this can lead to the perception that the Councillor is no longer impartial.

Review of decisions

It is good practice for Councillors to visit a sample of implemented planning permissions to assess the quality of the decisions and the development. This should improve the quality and consistency of decision-making, strengthen public confidence in the planning system, and can help with reviews of planning policy.

Reviews should include visits to a range of developments such as major and minor schemes; upheld appeals; listed building works and enforcement cases. Briefing notes should be prepared on each case. The Planning Committee should formally consider the review and decide whether it gives rise to the need to ask Cabinet for any policies to be changed or for the Committee to review its procedures.

Training

Planning is complex and as there are currently many changes in planning taking place, Warwick District Council has determined that all Councillors should attend relevant training before sitting on Planning Committee. The Council has also committed to having regular training sessions through the year for the Committee, which all District Councillors are invited to attend.

**Warwick District Council Planning Committee
Site Visit Procedure**

A minibus will be provided for the members of the committee (and any known substitutes) to attend the site visit along with officers.

Form of Site Visit

A site inspection is not a formal meeting of the Planning Committee. It is an informal arrangement to provide members with information to enable a decision to be made at a subsequent Planning Committee in the light of all relevant information available.

Attendance at Site Visits

Officers will obtain the agreement of the applicant/landowner, normally via the agent, for a site inspection to take place on their land, where access is required.

All Members of the Planning Committee, or their substitute, will be expected to be present and relevant Officers of the District Council will attend.

The ward councillors for the ward in which the application site is located will also be informed of the inspection and can attend as an observer if they so wish. If a ward councillor is unable to attend, then they may request a parish/town council representative to attend on their behalf as an observer.

The applicant or their agent will be invited to attend the site visit and this will only be to answer factual questions where members require clarification.

Objectors/supporters/amenity group representatives will not be invited to site inspections.

Site inspection arrangements will be confirmed in writing, normally via email, to applicants/agents, Planning Committee members and relevant ward councillors.

Procedure on Site

The following procedural rules will be observed in the holding of all site inspections:-

(a) The Chair will control proceedings throughout.

(b) The Chair will explain that the purpose of the site inspection is to obtain information relevant to the determination of the application. They will summarise the proceedings and constraints as set out below.

(c) The Chair will introduce the Planning Officer who will describe the proposal with reference to features on the ground and the submitted plans and summarise the relevant issues and material considerations.

(d) Other Officers may be present to provide other relevant specialist information where required e.g. Highways and Environmental Health Officers.

PLANNING COMMITTEE MINUTES (Continued)

(e) The Officers will provide clarification on matters relating to the proposal in response to questions from elected Members. The applicant/agent may be asked by the Chair to provide clarification on any factual details that are unclear.

(f) During the site inspection, no separate discussions must take place between Officers or Members and applicants.

(g) No hospitality will be accepted from the applicant or any other party present at the site inspection.

(h) Members may visit an adjoining site to view the impact of the development on an affected property, where a prior request has been made for such a visit and members consider it essential to make such a visit in order to properly determine the application. Such a visit will be subject to all the other provisions set out in this procedure. Requests to visit adjoining affected properties made on the day of the site visit will be at the discretion of the Chair.

(i) The Chair will conclude the site inspection. No indication of the views of Members or the likely outcome of the Planning Committee deliberations on the application will be given. If Members require further information or clarification of any aspect of the development, the Officer attending will be asked to ensure that such information is available by the time of the subsequent Planning Committee meeting.

Planning Committee

Minutes of the meeting held on Wednesday 13 December 2023 at Shire Hall, Market Place, Warwick, at 6.00pm.

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

Also Present: Committee Services Officers –Sophie Vale and Mia Matthews (observing only); Legal Advisor – Ross Chambers; Development Manager – Gary Fisher; Principal Planning Officer – Lucy Hammond; and Senior Environmental Health Officer – Matthew Shirley.

97. Apologies and Substitutes

- (a) there were no apologies for absence received; and
- (b) Councillor Day substituted for Councillor Noonan, Councillor King substituted for Councillor Sullivan, and Councillor Dray substituted for the Labour Vacancy.

98. Declarations of Interest

Minute Numbers 104, 105 and 106 – W/23/1048 – Stoneleigh Arms, 31 Clemens Street, Royal Leamington Spa, W/23/1411 – Town Hall, Parade, Royal Leamington Spa, and W/23/1460 – Abbey Fields, Swimming Pool, Bridge Street, Kenilworth

Councillor King declared an interest because he was a Member of the Cabinet, and these applications were for WDC-owned sites. He left the Chamber whilst these items were being considered and therefore did not vote on them.

Minute Number 103 – W/23/0364 – Euro Garages, Stratford Road, Warwick

Councillor Phillips declared an interest because he was a regular customer at Euro Garages, but did not consider himself to be predetermined in any way.

99. Site Visits

To assist with decision making, Councillor Dickson made an independent site visit to W/23/1460 – Abbey Fields, Swimming Pool, Bridge Street, Kenilworth.

100. Minutes

The minutes of the meeting held on 16 August 2023 were approved and signed by the Chairman as a correct record, subject to an amendment to the declarations of interest, to read:

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

PLANNING COMMITTEE MINUTES (Continued)

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

101. W/23/1108 – 41 Portland Street, Royal Leamington Spa

This application was withdrawn from the agenda to enable a further site inspection and discussion to take place.

102. W/23/1109/LB – 41 Portland Street, Royal Leamington Spa

This application was withdrawn from the agenda to enable a further site inspection and discussion to take place.

103. W/23/0364 – Euro Garages, Stratford Road, Warwick

The Committee considered an application from EG Group for the Demolition of the existing development and erection of a Petrol Filling Station with an Ancillary Food Retail Shop and creation of four rapid Electric Vehicle Charging Points, along with air and water bays.

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

The officer was of the opinion that the proposals were acceptable in principle and in relation to all of the detailed matters that had been assessed in the report. It was therefore recommended that planning permission should be granted.

An addendum circulated prior to the meeting advised of comments regarding vehicle tracking plans, and the following amendment to condition 7:

Prior to the development hereby permitted first being brought into use, a 2.7-metre-high acoustic barrier shall be installed in accordance with the details shown on the Proposed Layout (drawing number 220131 - 102 (E)), the details set out in the Noise Impact Assessment: Report DC4265-NR1v2' produced by Dragonfly Consulting and dated 7th July 2023 and the specification detailed within the Jacksons Fencing 'Jakoustic Reflective' specification sheet (reference: JSW 30 Issue 02). The fence shall be imperforate and sealed at the base. The fence shall thereafter be retained as such.

Reason: *To protect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011- 2029 and guidance in the NPPF.*

Ms Aston addressed the Committee, speaking in objection.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Gifford and seconded by Councillor Day that the application should be granted, along with the amendment to condition 7 as set out in the addendum.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/23/0364 be **granted**, subject to the following conditions:

- | No. | Conditions |
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| (1) | <p>the development hereby permitted shall begin not later than three years from the date of this permission.</p> <p>Reason: 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 the following approved drawings and specification contained therein:</p> <ul style="list-style-type: none">• 220131 - 102 (E)• 220131 - 103 (A)• 220131 - 104• 220131 - 105• 220131 - 106 (D)• 220131 - 107• 220131 - 108• 220131 - 109 (D)• 220131-110 (A)• 01 Rev G <p>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;</p> |
| (3) | <p>no development shall take place until:</p> <p>(i) a supplementary site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:</p> <ul style="list-style-type: none">• A risk assessment to be undertaken relating to human health;• A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;• An appropriate gas risk assessment to be undertaken;• Refinement of the conceptual model• The development of a method statement detailing the remediation requirements; |

PLANNING COMMITTEE MINUTES (Continued)

No.	Conditions
	<p>(ii) the site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken;</p>
	<p>(iii) a method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the Local Planning Authority. The method statement shall include details of how the remediation works will be validated upon completion. This shall be approved in writing by the Local Planning Authority prior to the remediation being carried out on the site;</p>
	<p>(iv) once approved, all development of the site shall accord with the approved method statement; and</p>
	<p>(v) upon completion of the remediation detailed in the approved method statement, a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.</p>
	<p>Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;</p>
<p>(4)</p>	<p>no works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in</p>

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | strict accordance with the approved construction management plan. |
| | 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 above slab level, a Sustainability Statement including an energy hierarchy scheme 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 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;e) consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised; andf) how the development optimises the use of multi-functional green infrastructure for urban cooling and local flood risk management. |

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. The development shall not be brought into use 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. | Conditions |
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| | <p>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);</p> |
| (6) | <p>no development shall be carried out above slab level unless and until samples of the external facing materials to be used and design details of the approved acoustic fence (including colour) 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 and retained as such.</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> |
| (7) | <p>prior to the development hereby permitted first being brought into use, a 2.7-metre-high acoustic barrier shall be installed in accordance with the details shown on the Proposed Layout (drawing number 220131 - 102 (E)), the details set out in the Noise Impact Assessment: Report DC4265-NR1v2' produced by Dragonfly Consulting and dated 7th July 2023 and the specification detailed within the Jacksons Fencing 'Jakoustic Reflective' specification sheet (reference: JSW 30 Issue 02). The fence shall be imperforate and sealed at the base. The fence shall thereafter be retained as such.</p> <p>Reason: To protect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011- 2029 and guidance in the NPPF;</p> |
| (8) | <p>the fixed plant and equipment hereby permitted shall be installed and maintained thereafter to ensure that the noise rating level (dB, LAeq,T), when measured (or calculated to) one metre from the façade of any noise sensitive premises, does not exceed the background noise level (measured as LA90,T);</p> |
| (9) | <p>in the event that any contamination is found at any time when carrying out the approved development that was not previously identified then no further development shall take place and the nature of the contamination shall be reported in writing to the</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | <p>Local Planning Authority within 2 working days. An investigation and risk assessment of the contamination shall be undertaken in accordance with the requirements of condition 6 parts (i) and (ii). Where remediation is necessary, a remediation scheme shall be prepared in accordance with the requirements of condition 6 part (iii) and shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report shall be prepared in accordance with condition 6 part (v) and submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (10) | <p>the development hereby approved shall not be brought into use until a strategy for the exterior lighting of the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include a specification of the lighting, location, lux, hours of operation, details of light spillage and details of shielding to neighbouring properties. The details approved shall be implemented prior to the commencement of use of the development hereby permitted and shall thereafter be retained as such for the duration of the permitted use.</p> <p>Reason: 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 with Policy BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (11) | <p>the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building(s) and associated structures to be demolished/affected. All roofing material shall be removed carefully by hand. Appropriate precautions must be taken in case bats are found, including a toolbox talk and</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | <p>the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately and Natural England and the Local Planning Authority notified in writing. Any subsequent recommendations or remedial works shall be implemented within the timescales agreed between the bat worker and the Local Planning Authority and Natural England. Notwithstanding any requirement for remedial work or otherwise, a report summarising the findings of the qualified bat worker shall be submitted to the Local Planning Authority within 1 month following completion of the supervised works and is subject to approval in writing by the Local Planning Authority.</p> <p>Reason: To ensure that protected species are not harmed by the development;</p> |
| (12) | <p>the development hereby permitted shall not commence above floor slab level until a detailed schedule of habitat and species enhancement measures to result in a biodiversity net gain (to include location of measures, installation timescale, timing of works, species lists for proposed planting, and long-term management plan for features where applicable) has been submitted to and approved in writing by the Local Planning Authority. Such measures shall also be shown on all applicable annotated site plans and elevations. Such approved measures shall thereafter be implemented in full, retained, and maintained in strict accordance with the approved details in perpetuity.</p> <p>Reason: To enhance the nature conservation value of the site and ensure biodiversity net gain in accordance with the NPPF;</p> |
| (13) | <p>the development hereby permitted shall either:</p> <ol style="list-style-type: none">a. be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds; andb. not commence until a qualified ecologist has been appointed by the applicant to inspect the buildings and any vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. |
| | Reason: To ensure that protected species are not harmed by the development; |
| (14) | the accesses to the site for vehicles shall not be used unless public highway footway crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. |
| | Reason: To ensure a satisfactory standard of development in the interests of highway safety and amenity; |
| (15) | the development shall not be occupied until space has been provided within the site for the parking of cars and cycles as indicated on submitted plan number 221031-102 (E). |
| | Reason: To ensure a satisfactory standard of development in the interests of highway safety and amenity; |
| (16) | the soft landscaping scheme as indicated on approved drawing number 01 Rev G shall be carried out no later than the first planting and seeding seasons following the development first being brought into use. Any trees, hedgerows or shrubs 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, 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. |
| | Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and in the interests of biodiversity, in accordance with Policies BE1, BE3, NE3 and NE4 of the Warwick District Local Plan 2011-2029; and |
| (17) | no development shall be carried out above slab level until details of the finished floor levels of all buildings and structures, together with details of |

PLANNING COMMITTEE MINUTES (Continued)

No.	Conditions
	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 relationship between the proposed development and adjacent land and buildings in the interests of visual and residential amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

(Councillor King left the Chamber)

104. **W/23/1048 -Stoneleigh Arms, 31 Clemens Street, Royal Leamington Spa**

The Committee considered an application from Complex Development Projects for the demolition of Stoneleigh Arms and reuse of materials for the erection of a new three storey building for use as a mixed used creative workspace. The application was also for the proposed refurbishment and single storey extension to the Old School for education and community use at Court Street. The application also proposed the creation of public realm landscaping.

The application was presented to Committee because it was an application made by the District Council and related to a District Council owned building.

The officer was of the opinion that the planning permission should be granted subject to the conditions listed at the end of the report.

An addendum was circulated prior to the meeting which advised of additional and updated conditions, additional information received from the applicant, and officer answers to pre-meeting questions from Councillors.

Following consideration of the report, presentation, and information contained in the addendum, it was proposed by Councillor Luckhurst and seconded by Councillor Dickson that the application should be granted, along with the additional and updated conditions contained within the addendum.

The Committee therefore

Resolved that W/23/1048 be **granted**, subject to the following conditions:

No.	Condition
(1)	the development hereby permitted shall begin not later than three years from the

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | 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 the following approved drawings:
1247_000, 1247_001, 1247_201 and 1247_204, and specification contained therein, submitted on July 17th 2023;
1247_003C, 1247_004A, 1247_100C, 1247_101C, 1247_102C, 1247_103C, 1247_104A, 1247_105A, 1247_106B, 1247_200A, 1247_202A, 1247_203A, 1247_300B, 1247_301B, 1247_302B, 1247_303B, 1247_304A, 1247_305, 1247_306A, 1247_307A, 1247_503A, 1247_504A, 1247_505A, 1247_506A and 1247_507A
and specification contained therein, submitted on December 12th 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) | no works of demolition or construction shall be undertaken unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.</p> <p>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;</p> |
| (4) | <ol style="list-style-type: none">1. no development shall take place until a method statement detailing the remediation requirements using the information obtained from the approved site investigation report has been submitted to the Local Planning Authority. The method statement shall include details of how remediation works will be validated upon completion. This shall be approved in writing by the Local Planning Authority prior to the remediation being carried out on the site. Once approved, all development of the site shall accord with the approved method statement;2. upon completion of the remediation detailed in the method statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report; and3. 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 through an addendum to the method |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with. |
| | Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029; |
| (5) | <p>notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance, preparation works or demolition works, a Sustainability Statement including 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;</p> <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) details of the building envelope (including U/R values and air tightness);d) how the proposed materials respond in terms of embodied carbon; ande) 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. <p>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.</p> <p>The development shall not be 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</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | 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) | the development hereby permitted (including site clearance) shall not commence until a Biodiversity Management Plan (BMP) to include a detailed schedule of habitats and protected species mitigation, and biodiversity enhancement measures including habitat management and long-term monitoring, to result in a biodiversity net gain (to include location of measures, installation timescales, timing of works and species lists for proposed planting) has been submitted to and approved in writing by the Local Planning Authority. Such measures should be shown on all applicable annotated site plans and elevations, and such approved mitigation and enhancement measures shall thereafter be implemented in full and maintained in strict accordance with the approved details in perpetuity.

Reason: To enhance the nature conservation value of the site and ensure biodiversity net gain in accordance with NPPF, ODPM Circular 2005/06 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029; |
| (7) | no part of the development hereby permitted shall be commenced until a scheme for the provision of two bat boxes/bat roosting features to be erected on buildings within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

Reason: In accordance with NPPF, ODPM Circular 2005/06 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029; |
| (8) | no development hereby permitted shall take place until: |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ul style="list-style-type: none">a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority;b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority; andc) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (9) no development hereby permitted shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <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> |
| (10) | <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>Reason: 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 with Policy BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (11) | <p>no development hereby permitted shall be carried out above slab level unless and until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall identify practicable measures for the control of noise associated with the normal activity at the proposed development and should include the use of sound limiting devices to ensure that prescribed noise limits for amplified music and voice are not exceeded.</p> <p>Reason: To ensure that the level of noise emanating from the development is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (12) | <p>no development hereby permitted shall be carried out above slab level unless and until details have been submitted to and approved in writing by the Local Planning Authority which demonstrate how the development will</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>minimise the potential for crime and anti-social behaviour. Such details should include provision for appropriate security measures, including lighting, landscaping and fencing, as well as details regarding the long-term management and maintenance of such features. The development shall thereafter be implemented in accordance with the approved details and maintained as such in perpetuity.</p> <p>Reason: In the interests of minimising the potential for crime and anti-social behaviour, to improve community safety and to safeguard neighbouring amenity in accordance with Policies HS7 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (13) | <p>no development above slab level shall take place until an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the Local Planning Authority. The approved scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the Local Planning Authority.</p> <p>Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;</p> |
| (14) | <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.</p> <p>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> |
| (15) | <p>no development shall be carried out above slab level unless and until large scale details</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.</p> <p>Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;</p> |
| (16) | <p>the development hereby permitted shall not be occupied unless and until the approved cycle parking facilities have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times.</p> <p>Reason: In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;</p> |
| (17) | <p>the development hereby permitted shall not be occupied unless and until the car parking areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.</p> <p>Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029;</p> |
| (18) | <p>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</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>and recycling associated with the development. The development shall not 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.</p> <p>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;</p> |
| (19) | <p>notwithstanding the information contained within the application, the use of any building of the development hereby permitted (in particular The Old School) and the use of the area of outside space referred to as the Pocket Park, shall not, at any time, be used for holding functions or events involving the use of amplified music and/or voice.</p> <p>Reason: To ensure that the level of noise emanating from the building(s) is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (20) | <p>any external plant and equipment shall be installed and maintained to ensure that the noise rating level (dB, LAeq,T), when measured (or calculated to) one metre from the facade of any noise sensitive premises, does not exceed the background noise level (measured as LA90,T). Within one month of the installation of any external plant or equipment, a noise verification report shall be submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate compliance with the noise limits specified together with the details of any mitigation measures. Any mitigation measures approved under this condition shall</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | be implemented in full and shall be retained at all times thereafter. |
| | Reason: To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and |
| (21) | prior to the occupation of the development hereby permitted, the first floor side facing windows in the northern 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. |

105. **W/23/1411 – Town Hall, Parade, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for the site hoarding comprising of 54 panels (maximum height of 2.4m) in connection with refurbishment works being undertaken at the Town Hall.

The application was presented to Committee because it was an application made by the District Council and related to a District Council owned building.

The officer was of the opinion that the proposed hoarding was necessary for the duration of the construction and refurbishment works at the Town Hall. Its scale, height, position and visual appearance was considered appropriate in terms of its impact on the heritage assets, amenity and highway safety and as such the works were considered compliant with the relevant provisions of the Development Plan.

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

In response to questions from Members, the Development Manager and Principal Planning Officer advised that:

PLANNING COMMITTEE MINUTES (Continued)

- the information contained on the hoardings would provide details of the ongoing works, and a history of the building;
- Members were not being asked to approve the specific details of the graphics. They were looking at the overall effects of the hoardings and its visual aspects; and
- the hoardings would close off most of the unofficial parking space outside the front of the Town Hall.

Members were keen that the historical information on the hoardings be as inclusive as possible in order to accurately represent the diverse community of Royal Leamington Spa.

Members encouraged the imposing of parking restrictions in the remaining space outside the Town Hall in order to maintain pedestrian access, whilst acknowledging that contractors would also need somewhere to park for the duration of the building works.

Councillor Gifford accepted that these points be included as notes to the applicant and should be included in his proposal to grant. This was seconded by Councillor Luckhurst.

The Committee therefore

Resolved that W/23/1411 be **granted** subject to

- 1) a note encouraging inclusivity on the images and information depicted on the hoardings, so that it accurately represents the diversity of the town;
- 2) a note to consider imposing parking restrictions on the remaining space outside the front of the Town Hall to ensure pedestrian access, whilst also maintaining access for contractors; and
- 3) the following conditions:

No.	Condition
(1)	no advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission;
(2)	no advertisement shall be sited or displayed so as to: (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle; |
| (3) | any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site; |
| (4) | any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public; |
| (5) | where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity; and |
| (6) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 241990-PUR-00-XX-DR-A-9000 Rev.P02.01. and specification contained therein, submitted on 10 October 2023; and approved drawings 241990-PUR-00-SL-DR-A-0002 Rev.P04.01; 'Proposed Site Hoarding Graphics - Concept Drawing Rev.02' and 'Site Hoarding Concept Proposals Issue 02: Nov 2023' and specification contained therein, submitted on 17 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.

106. **W/23/1460 – Abbey Fields, Swimming Pool, Bridge Street, Kenilworth**

The Committee considered an application from Warwick District Council for the demolition of existing swimming pool and outdoor pool and redevelopment to provide two new indoor swimming pools and associated changing facilities with ancillary cafe, boundary treatment and landscaping.

The application was presented to the Committee because the applicant was Warwick District Council, and a number of objections had been received.

The officer was of the opinion that the proposed amendments to the approved scheme would provide a significant benefit by safeguarding important medieval archaeological remains, which made a positive

PLANNING COMMITTEE MINUTES (Continued)

contribution to the significance and understanding of Kenilworth Abbey. In turn, the proposals would help to facilitate the delivery of the new swimming pool complex and the associated benefits that would derive from that (as set out within the assessment of the original application). The consequential effects of the new foundation design on the form and appearance of the development would be limited and would not result in any significant planning impacts over and above the already consented scheme. As such, the application was considered acceptable and therefore, officers recommended that the application should be approved.

An addendum circulated prior to the meeting advised of an updated soft landscaping plan and officer answers to pre-meeting questions from Councillors.

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

The Committee therefore

Resolved that W/23/1460 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings and specification contained therein:</p> <ul style="list-style-type: none">• Proposed Elevations 1 12943-DB3-B01-ZZ-DR-A-20201 Rev P02.• Proposed Elevations 2 12943-DB3-B01-ZZ-DR-A-20202 Rev P02.• Sub-Station Enclosure 12943-DB3-B01-XX-DR-A- 90007 Rev P02.• Proposed Site Sections 12943-DB3-B01-XX-DR-A-90004 Rev P01.• Proposed General Sections 12943-DB3-B01-ZZ-DR-A-20301 Rev P02.• Proposed Site Plan 12943-DB3-B01-XX-DR-A-90002 Rev P05.• Proposed Roof Plan 12943-DB3-B01-RF-DR-A-20003 Rev P02.• Proposed Ground Floor Plan 12943-DB3-B01-00-DR-A-20001 Rev P02.• Overall Landscape Layout 211216 0884 Land V12 L001.• Detailed Soft Landscape Layout 211216 0884 Land V8 L002.• Proposed boundary treatments plan and details 211221 0882 LAND V3 L003.• Fencing and Furniture 21_198_SP01B |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <ul style="list-style-type: none">• External Works Layout AFK-CCE-00-00-D-C-0322 Rev P02.• Private Drainage Layout AFK-CCE-00-00-D-C-0310 Rev P04. |
| | <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3, HE1, HE4 and NE4 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework;</p> |
| (2) | <p>the development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the submitted archaeological mitigation strategy document produced by Hampton Heritage Design & Consultancy, reference 'Abbey Fields Leisure Centre, Kenilworth Written Scheme of Investigation: Mitigation', dated May 2023, Version 2.</p> <p>Reason: In order to ensure that remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework;</p> |
| (3) | <p>the development hereby permitted shall be carried out in accordance with the Construction Management Plan received on 22/03/2022.</p> <p>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;</p> |
| (4) | <p>the development shall be carried out in accordance with the Construction and Environmental Management Plan V6 prepared by Kier received on 23/05/2022.</p> <p>Reason: To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029; |
| (5) | *final wording of condition subject to submission of updated drainage calculations as discussed within the report *; |
| (6) | * final wording of condition subject to submission of further information/clarification to satisfy Environmental Protection, as discussed within the report *; |
| (7) | the hard and soft landscaping of the site shall be provided in accordance with the following plans and documents: <ul style="list-style-type: none">• Proposed Site Plan 12943-DB3-B01-XX-DR-A-90002 Rev P05.• Overall Landscape Layout 211216 0884 Land V12 L001.• Detailed Soft Landscape Layout 211216 0884 Land V8 L002 [* subject to additional planting as discussed within this report *].• Proposed boundary treatments plan and details 211221 0882 LAND V3 L003• Fencing and Furniture 21_198_SP01B.• Hard Landscape Materials 21_198_SP02. |

All hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within three months of the first use of the development hereby permitted. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the Local Planning Authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in the

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029; |
| (8) | <p>the bat boxes and hedgehog houses as detailed on the Hedgehog Shelter Location Plan received on 19/05/2022 (Ref 220406-0884 EMEP V1a E001a) shall be provided in accordance with the approved details and thereafter retained as such.</p> <p>Reason: To ensure a net biodiversity gain in accordance with the requirements of the NPPF and Policy NE2 of the Warwick District Council Local Plan 2011 – 2029;</p> |
| (9) | <p>the finished floor and ground levels for the development shall be provided in accordance with the following plans and retained as such:</p> <ul style="list-style-type: none">• Proposed Site Sections 12943-DB3-B01-XX-DR-A-90004 Rev P01.• Proposed General Sections 12943-DB3-B01-ZZ-DR-A-20301 Rev P02.• External Works Layout AFK-CCE-00-00-D-C-0322 Rev P02. <p>Reason: In the interests of visual amenity and to preserve the significance of heritage assets and to accord with Policies BE1, BE3, HE1, HE4 and NE4 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework;</p> |
| (10) | <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> |
| (11) | <p>noise arising from any plant or equipment (measured as LAeq,5 minutes), when</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (12) | a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 12 months of first use of the approved development to set out how the operator will encourage low emission/sustainable travel to the site by customers and staff. The approved Travel Plan shall be implemented and maintained as such at all times thereafter.

Reason: To promote sustainable forms of transport and to ensure mitigation against air quality impacts associated with the proposed development in accordance with Policies TR2 and NE5 of the Warwick District Local Plan; |
| (13) | the hereby approved Combined Heat and Power Plant shall be installed and maintained to meet the emission limits set out in the Council's Air Quality Supplementary Planning Document and the Air Quality Assessment report reference SLR Ref: 418.05578.00006, Version No: v2.1, May 2021.

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan; |
| (14) | the development shall be carried out in accordance with the submitted flood risk assessment (reference Abbey Fields Swimming Pool, Bridge Street, Kenilworth, CV8 1BP, Flood Risk Assessment, Final Report V1.1, dated 28/09/2023) and the following mitigation measures it details: |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>1. In accordance with section 4.6 of the submitted amended Flood Risk Assessment finished floor levels to be set at 75.65m above ordnance datum.
These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the requirements of Policy FW1 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework;</p> |
| (15) | <p>the Construction Management Plan approved pursuant to condition 3 shall incorporate the tree protection measures referred to in the Arboricultural Method Statement and appended plans from Wharton Natural Infrastructure Consultants (reference 210324 0884 AMS V1d and issued on 9th June 2021). Throughout the construction of the development hereby approved those tree protection measures shall be implemented in strict accordance with the approved details.</p> <p>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;</p> |
| (16) | <p>within three months of the first occupation of the development, a report shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the energy efficiency measures detailed within the Revised Energy Strategy Report (Issue 3, March 2021) submitted to the Local Planning Authority on 6th April 2021 have been implemented in full. These measures shall be retained as per the approved details or replaced with a betterment in energy efficiency terms.</p> <p>Reason: To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029; |
| (17) | <p>no occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the Local Planning Authority (LPA) giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan.</p> <p>Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029; and</p> |
| (18) | <p>the development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into use and shall be retained as such.</p> <p>Reason: In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.</p> |

(The meeting ended at 7.25pm)

CHAIRMAN
16 January 2024

Application No: [W 22 / 1739](#)

Town/Parish Council: Warwick
Case Officer: Jack Lynch
01926 456642 Jack.lynch@warwickdc.gov.uk

Registration Date: 02/11/22
Expiry Date: 28/12/22

26 Wathen Road, Warwick, CV34 5BA

Erection of 1no. 1 bed dwelling (re-submission of application ref: W/22/0709)
FOR Mr S Nijjar

This application is subject to an appeal to the Planning Inspectorate against the non-determination of the application by the LPA 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, guides the Council’s submissions on the appeal and forms the basis of the Council’s case at the appeal.

Members are not therefore being asked to determine the application as this is now in the hands of the Planning Inspectorate. The proposal is in front of Members for consideration of 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.

RECOMMENDATION

Planning Committee are recommended to indicate that they would have refused planning permission for the reason set out in this report.

THE SITE AND ITS LOCATION

The application relates to a parcel of land to the south of 26 Wathen Road, Warwick. This currently serves as amenity land for the occupiers of the existing property. To the southeast of the application site is an area of land which acts to provide informal parking for local residents. The application site is located within Flood Zones 2 and 3.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a one bed, two-storey dwelling. The dwelling would attach to 26 Wathen Road, extending the existing terrace of properties.

The application forms a re-submission of W/22/0709 which was refused as a result of outstanding flood risk information and an insufficient parking arrangement.

RELEVANT PLANNING HISTORY

W/22/0709 - Erection of 1no. 1 bed dwelling - Refused

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- CC1 - Planning for Climate Change Adaptation
- TR1 - Access and Choice
- TR3 - Parking
- H1 - Directing New Housing
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Warwick Town Council - Members raise no objection but reference concerns raised under previous application (in relation to parking capacity)

WCC Flood Risk Management (LLFA) - No objection.

WCC Ecological Services - No objection subject to bat box condition. Recommended advisory notes in relation to bats, nesting birds, hedgehogs and biodiversity enhancements.

WCC Highways - No objection subject to conditions to secure public footway installation and completion of parking areas prior to occupation of new dwelling.

Main Issues

The main issues are:

- Principle of the development
- Impact on the character of the area
- Impact on the residential amenity
- Flood risk
- Impact on the parking and Highway Safety
- Sustainability
- Impact on the ecology
- Impact on the trees

ASSESSMENT

Principle of the Development

National Planning Practice Guidance (NPPG) requires Local Planning Authorities to steer new development to areas at the lowest probability of flooding by applying a flood risk sequential test. The NPPG also states the sequential test should be applied to guide development to Flood Zone 1, then Zone 2, then Zone 3; only when there are no reasonably available sites in Flood Zone 1 should site within Flood Zone 2 be considered. Local Plan Policy FW1 (a) is consistent with the National Planning Policy Framework which highlights that new development must be steered to areas with the lowest probability of flooding. As the application site is not allocated for development in the Local Plan, the sequential test must be applied.

The site lies within the flood zone 2 and 3. Therefore the proposal conflicts with the Local Plan Policy FW1 which states that there will be a presumption against development in flood zone 3, and no built development will be allowed in the functional floodplain. Development must be steered to areas with the lowest probability of flooding. The proposal also contradicts with the advice contained within the NPPF paragraph 161 and 162. The proposed dwelling in Flood Zone 2 (The frontage of the dwelling and the highway is in Flood Zone 3) is identified as more vulnerable development within the flood risk vulnerability classification and flood zone compatibility set out in the PPG2 and is identified as 'inappropriate development in that respect. NPPF para 60 supports the boosting of the supply of homes in the context of the presumption in favour of sustainable development.

The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment.

In terms of the economic and social criteria, the proposal would provide one new dwelling and would make a positive, albeit modest, contribution to the housing supply. However, given the small scale nature of the development these benefits are not considered to be significant and not definitive in this instance. The LPA has updated housing figures and there are five year housing specific deliverable sites within the district.

Notwithstanding the above, in this instance it is not appropriate to discount this site to grant planning permission solely on the basis that a planning permission has already been granted for a single dwelling within the vicinity [24 Wathen Road under W/19/1343]. In officers opinion, on balance, there are no specific circumstances which indicate a functional need for residential accommodation.

The proposal conflicts with local plan policy FW1 and NPPF para 159, 160, 161 and 162.

The development site is within flood zones 2 and 3. The Council has five years' worth of housing specific deliverable sites which are sufficient to provide housing within the district for the next 5 years without needing to direct new housing into areas of higher risk of flooding.

Given the inappropriate location within the flood Zone [2 /3], the principle of the development is not supported.

The Impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

The proposed new dwelling and its associated works are considered to have an acceptable impact on the street scene. The development has been designed as an extension to the existing terrace, with the same ridge height, a hipped side profile and comparable fenestration details to existing properties within this group. As the dwelling has been designed to essentially replace the end of the row with a very similar design, this is considered to respect the existing development surrounding

the site. Facing materials have been detailed to match the existing run of terraced properties upon which the new dwelling would adjoin.

A two storey projection has been proposed to the rear of the new dwelling that would extend slightly beyond the existing rear wall of No.26. However, this projection has been appropriately scaled and detailed such that it would not result in any visual harm to the street scene. Its position to the rear of the property also limits any visual implication in this sense.

Therefore, the proposed development is considered to be in accordance with Local Plan Policy BE1.

Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwelling

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

Impact on Neighbouring Residential Amenity

There would be no conflict with the Council's 45-degree guide as a result of the proposed development. As a result of its design and position the dwelling is not considered to result in the generation of material harm to the amenity of neighbouring/adjoining properties by way of loss of light, outlook, or privacy.

In addition, a significant degree of separation to the adjacent site at No.24 Wathen Road would be retained by virtue of the informal parking area that intersects the two sites. The new dwelling would also respect the existing form of development in terms of distance separation to those opposite Wathen Road, and there are no adjacent properties to the rear of the plot.

The proposed development would result in the reduction of private amenity space for the occupiers of 26 Wathen Road. As a result, the garden area would be reduced to approximately 53sq metres, which still exceeds the 40sq m standard prescribed within the WDC Residential Design Guide SPD for a property of its scale.

It is therefore considered that the proposed dwelling would have an acceptable impact on neighbouring residential amenity.

Living Conditions for the Future Occupiers

The proposal would provide appropriate levels of amenity for the future occupiers of the dwelling. The dwelling would have access to adequately sized private garden

area which meets with the requirements of the Residential Design Guide and all habitable rooms would be served by appropriate levels of natural light and outlook.

For these reasons the proposed development is considered to be in accordance with the NPPF and Local Plan policy BE3.

Flood risk

The National Planning Policy Framework, (NPPF), states that more vulnerable developments are permitted within Flood Zones 1 and 2 and therefore, the Local Planning Authority are not required to apply the Sequential or Exception Test. However the NPPF and the National Planning Practice Guidance (NPPG) requires Local Planning Authorities to steer new development to areas at the lowest probability of flooding by applying a flood risk sequential test. The NPPG also states the sequential test should be applied to guide development to Flood Zone 1, then Zone 2, then Zone 3; only when there are no reasonably available sites in Flood Zone 1 should sites within Flood Zone 2 be considered. The policy FW1 (a) is consistent with the National Planning Policy Framework which highlights that new development must be steered to areas with the lowest probability of flooding. As the application site is not allocated for development in the Local Plan, it is reasonable that the sequential test should be applied at a district level.

In that respect, the Council has five-year housing land supply of specific deliverable sites which are sufficient to provide housing for next 5 years. Therefore, the proposal is regarded as inappropriate development in areas at risk of flooding which should be avoided by directing development away from areas at highest risk.

WCC Flood Risk Management as the Lead Local Flood Authority (LLFA) commented on the application, initially noting that insufficient details have been submitted with regards to the proposed surface water drainage scheme for the development and as such did not recommend granting planning permission until such information has been received. Following the provision of an updated drainage strategy ref.412-Rev-V3, and an associated letter setting out responses to raised queries, the LLFA updated their response to one of no objection. The LPA does acknowledge that the applicant has complied with requirements by providing the relevant information to mitigate the impact of the flood risks. However, such matters do not remove the potential for flooding in the future. The location of the proposed development is inappropriate and no further housing developments within the vicinity should be supported.

It is evident that there are other sites outside of Flood Zone 2 and 3 with a lower probability of flooding within the District, that could provide a single dwelling and therefore it is considered the proposal fails the sequential test and therefore is contrary to NPPF paragraphs 161 and 162.

Therefore proposal conflicts which local plan policy FW1 and NPPF para 159, 160, 161 and 162.

Parking and Highway Safety

Policy TR3 of the Warwick Local Plan seeks to ensure parking provision associated with development proposals is reflective of the local area, and is in accordance with the Parking Standards SPD.

An existing private parking space to the side of No.26 accessed via the adjacent informal parking area would be lost as a result of the development. This loss would be offset via the formation of a new parking space for the use of No.26 to the frontage of that property, accessed via a dropped kerb onto Wathen Road.

The proposed dwelling would be accompanied by two spaces to the rear of its plot, accessed via the existing informal parking area to the south of the site. While the proposed plan illustrates that the property would only feature a single bedroom, the size of the associated dressing room illustrated and the comparative scale of the dwelling suggests that two bedrooms could comfortably be accommodated within the first floor, and this is indeed the likely future layout of the site. As such, the illustrated two off-street spaces to serve the new dwelling are considered appropriate in accordance with the WDC Parking Standards SPD.

The Local Highway Authority commented on the application, raising no objection subject to the imposition of conditions to secure appropriate installation of a footway crossing to the frontage of No.26 and provision of parking for the new dwelling in accordance with submitted details.

A suitably scaled cycle store has also been illustrated on the submitted details.

In view of the above the scheme is considered in accordance with Local Plan Policies TR1, TR3 and the Parking Standards SPD.

Sustainability

Policy CC1 of the Local Plan requires all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of the following adaptation measures where appropriate. Policy CC2 seeks to ensure proposals are designed, in terms of its location and scale, to minimise any adverse impacts on adjacent land uses and local residential amenity.

Further to this, the Net Zero Carbon DPD soon to be adopted, aims to minimise carbon emissions from new buildings within the District to support the achievement of national and local carbon reduction targets. The DPD will aim to ensure all new developments should be net zero carbon in operation. For the purposes of this DPD net zero carbon relates to regulated operational energy, which results from fixed building services and fittings (space heating, cooling, hot water, ventilation and lighting).

Officers are satisfied that a condition requiring submission of a Sustainability Statement would have been attached to ensure compliance with Policies CC1 and CC2 of the Warwick District Local Plan.

Ecology

Policy NE2 of the Local Plan seeks to protect designated biodiversity assets and protected species, ensuring they are not adversely impacted by development proposals.

The consultee Ecologist at WCC has assessed the application and recommend that a condition is attached to ensure that there is a net biodiversity gain as a result of the proposed development, through provision of bat and nesting bird boxes. Officers agree with this recommendation, alongside a selection of advisory notes to be attached to any grant of consent.

The proposal is therefore considered to be in accordance with Local Plan Policy NE2.

Air Quality

The Council's adopted Air Quality SPD sets out the level of mitigation that would be required to reduce the impact of emissions resulting from a particular development.

The anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. To offset this, it is viewed necessary that the developer is required to provide electric vehicle charging facilities for the new dwelling. The details submitted indicate that these would be provided. A condition to secure this installation shall be attached to any grant of consent.

Trees

A small selection of trees and planting would be removed to the rear of the site to facilitate the creation of the required parking spaces to the new dwelling. These features are not protected by a TPO and are not considered to add notable amenity value to the street scene. As such no concern is raised in this regard.

Conclusion

The LPA can demonstrate five year housing land supply. Therefore the proposal conflicts with the NPPF and the NPPG as the proposal has not satisfied the sequential test in regards to directing development to sites with a lower probability of flooding. Although the proposal would make a modest contribution towards housing land supply, when weighing up the planning considerations there are insufficient merits to justify overriding the demonstrable harm this proposal would cause in regards to flood risk.

The application is therefore recommended for refusal.

REFUSAL REASONS

1 National Planning Practice Guidance (NPPG) requires Local Planning Authorities to steer new development to areas at the lowest probability of flooding by applying a flood risk sequential test. The NPPG also states the sequential test should be applied to guide development to Flood Zone 1, then Zone 2, then Zone 3; only when there are no reasonably available sites in Flood Zone 1 should sites within Flood Zone 2 be considered. Local Plan Policy FW1 (a) is consistent with the National Planning Policy Framework which highlights that new development must be steered to areas with the lowest probability of flooding. As the application site is not allocated for development in the Local Plan, the sequential test must be applied.

The development site is within floodzones 2 and 3. The Council has five years' worth of housing specific deliverable sites which are sufficient to provide housing within the district for the next 5 years without needing to direct new housing into flood zone 2.

It is therefore considered that the proposed application is contrary to the aforementioned policies.

Application No: [W 23 / 0798](#)

Town/Parish Council: Hunningham
Case Officer: Jack Lynch

Registration Date: 01/06/23
Expiry Date: 27/07/23

01926 456642 Jack.lynch@warwickdc.gov.uk

Mace Buildings Ltd, Long Itchington Road, Hunningham, Leamington Spa, CV33 9ER

Proposed portal frame extension of approximately 965 Sq.m. to existing workshop building to enclose existing site storage area/crane. Resubmission of planning application W/22/1701. FOR S and H Steel Frames

This application is being presented to Committee due to the number of comments of support received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the proposed portal frame extension of approximately 965 Sqm. to an existing workshop building to enclose an existing site storage area/crane.

This is a resubmission of planning application W/21/1701 which was withdrawn because the proposed works were deemed inappropriate development, and the applicant did not present a case for very special circumstances.

THE SITE AND ITS LOCATION

The application site relates to Mace Buildings Ltd. The application site is located on Green Belt land in the parish of Hunningham with access off Long Itchington Road, southeast of the junction where the road is met by the B4455.

The site is host to a workshop for S & H Steel Frames who manufacture steel frames that are supplied to multiple markets. The workshop and ancillary office building are both visible from Long Itchington Road. The workshop is completed with red brickwork at its base with steel cladding on the upper walls and roof, with the rear of the building being completed in green steel cladding. The ancillary office is a two storey building completed in red brick.

PLANNING HISTORY

Application site:

W/22/1701 - Proposed portal frame extension of approximately 965 Sq.m. to existing workshop building to enclose existing site storage area/crane - WITHDRAWN

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

WCC Landscape – Neutral comment.

WCC Ecology – No objection. Advisory notes attached.

WCC Highways - Objection. Insufficient information provided to demonstrate how vehicles/HGVs enter and exit the site safely.

Cllr Simon Shackleton – Supporting comment. Points include:

- Improvement of visual appearance,
- Requirement of additional planting,
- Extension appears similar to existing building,
- Reduction in traffic movements, and
- Proposal would not be visually intrusive in the Green Belt.

Public response– Five comments in support of the application have been received. Points include:

- Maintains and increases employment opportunities,
- Allows for expansion of business operations, and
- The proposed addition would improve the design of the workshop.

ASSESSMENT

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Paragraphs 147-151 of the NPPF set out the requirements for assessing proposals that affect the Green Belt. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (NPPF, paragraph 148).

Paragraph 149 of the NPPF states that all new buildings in the Green Belt are unacceptable unless they meet one of the exceptions set out. It goes on to state one of the exceptions are, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

With regards to local planning policy, Policy DS18 echoes the requirements of the NPPF.

The applicant seeks planning permission to increase the size of the existing building by approximately 965 sqm. to enclose an existing site storage area/crane, this will increase the total gross internal floor area to approximately 1,600 sqm. The existing building has already been extended from its original form, of which the gross internal floor area was approximately 360 sqm. Therefore in this application, the applicant is seeking permission for an increase of gross internal floor area by 344%.

The development would therefore represent a disproportionate addition over and above the size of the original building and officers conclude that the development would reduce the openness of the Green Belt both visually and spatially, meaning that the proposal would conflict with exception C in paragraph 149 in this regard.

The development is considered to represent inappropriate development in the Green Belt by reason of not falling into any of the exceptions listed under paragraph 149 of the NPPF. The proposal would therefore result in unacceptable harm to the Green Belt by reason of inappropriateness and reduced openness. An assessment of whether any very special circumstances exist to outweigh this harm will now be made.

The submitted economic report states, "The Development will secure the long-term success and growth of the business, it will secure the retention of the existing employment, as well as generate four additional rural jobs. Enabling the Development presents an excellent opportunity to support rural enterprise, enabling growth through expansion on previously developed land."

The applicant explains that the extension proposed in this planning application will enable the business to "function effectively, grow and expand". They highlight that the extended part of the building will be used to, "allow steel to be bought in bulk, which will reduce the number of deliveries and will help to increase the profitability of the business".

The benefits of the proposal as summarised above are recognised and weigh in favour of the proposal. However, in planning policy terms, as also set out above, weighed against that is the significant harm to the Green Belt which would result from this proposal which the Committee are required to give substantial weight to.

For that reason, there is an objection in principle to the development and planning permission should therefore be refused unless Very Special Circumstances can be demonstrated.

Whilst the benefits of the proposal are acknowledged, Officers do not consider that they comprise very special circumstances sufficient to outweigh the significant harm to the Green Belt.

In order to comprise such circumstances, the applicants justification must be sufficiently compelling to demonstrate that it outweighs the harm to the Green Belt to which substantial weight must be given, for example by demonstrating the clear economic benefits of the proposal which can only be achieved at this location by means of an extension of this scale.

The purpose of the proposal is to provide additional storage capacity at the site which will improve the efficiency and effectiveness with which the business operates.

The applicant, in seeking to demonstrate that there are no alternative sites that would be suitable to meet the commercial needs of the company has submitted a marketing review.

As part of that the applicant notes that their requirements include:

- i. A stand-alone site,
- ii. A minimum of 15,000 sq ft of covered building space,
- iii. Suitable for heavy industrial use,
- iv. The building would require a minimum eaves height of 6 metres to allow operation of their crane hoist system to allow handling of steel work,
- v. A large external area suitable for lorry and trailer deliveries,

- vi. Close proximity of employee's houses. The business employs 20 members of staff, the majority of which live within 5 miles.

The marketing review completed a search at a 10-mile and 15-mile radius of the application site and concluded that there were no commercial properties currently available to meet the commercial needs of Mace Building Limited.

Officers have reviewed this document and consider that the parameters set regarding the site requirements are restrictive, not only in terms of the radius of search but also the nature of the specific requirements used.

Officers note that Leamington Spa and Coventry are 5 miles and 11 miles away respectively, with potential brownfield sites available, some of which have been referenced in the marketing review and discredited. Furthermore, other large towns in Stratford Upon Avon and Nuneaton are within 20 miles of the site, both also offering brownfield sites for such operations.

Officers therefore consider that the case advanced related to the lack of alternative appropriate sites isn't sufficiently robust to demonstrate that there are Very Special Circumstances in this case sufficient to outweigh the harm to the Green Belt.

Officers therefore conclude that the development would be inappropriate development and would, therefore, by definition be harmful to the Green Belt. It is harmful by reason of harm to openness. As instructed by the NPPF, substantial weight must be given to this harm. The justifications for the proposal advanced is considered to carry limited weight in Green Belt terms and is not considered to sufficient to comprise Very Special Circumstances so as to outweigh the substantial weight which must be given to the harm identified. Subsequently, the very special circumstances necessary to justify the proposal are not considered to exist.

Impact on character of surrounding area

Notwithstanding the harm identified to the openness of the Green Belt, the proposed design is considered to reflect the design of the existing workshop. The appearance of the workshop by way of its design does not have a negative impact on the character of the area due to the setting of the existing development.

The proposal is therefore considered to be in accordance with Local Plan policy BE1 and the NPPF.

Amenity of neighbouring properties

The nearest residential property is approximately 100 metres away. Therefore due to the relationship between the proposed building and neighbouring properties, the proposal would not have a materially harmful impact on these adjacent occupiers. The proposed would therefore be acceptable in this regard.

The development is therefore considered to be in accordance with Local Plan policy BE3 and the NPPF.

Access, Traffic and Parking

The existing business fabricates steel framed buildings and the proposal will allow easier storage of the product, which includes enclosing an existing site storage area/crane. As a result of the proposal one additional employee will be required and a further two new employees will be necessary in the future, thus the requirement for an additional three parking spaces. The parking layout is shown on the drawing entitled "Swept Path Analysis", and it is confirmed within the Design and Access Statement that the existing car park will remain the same.

As per the parking standards, this application site will require a parking space per 50 m² (industrial use). The proposed extension would create floor space of approximately 1600 m², requiring 32 spaces.

The parking standards also require a parking space per 20 m² of office space. So as the internal floor space of the office is approximately 120m², these 6 spaces would be included in our assessment. Therefore, the spaces required would be 38, sufficient spaces have been shown to be available on the site.

Warwickshire County Council Highways have objected to the proposed scheme. The swept path analysis shows the path of a HGV entering and exiting the site. The applicant has not provided a swept path analysis showing more than one vehicle entering and exiting the site. The Highway Authority acknowledge that the number of steel loads would reduce from approximately 500 to 65, which equates to a change of 2 HGV deliveries a day to 2 deliveries a week. However, they remain to have concerns over the movement of HGVs into this site and the risk of more than one vehicle using this access at one time, which would have a detrimental impact to highway safety and that the access would not provide a safe and suitable access point.

The swept path analysis also identifies how HGVs will manoeuvre around the site. The LPA consider the route that is shown on the swept path analysis as inappropriate. The vehicle cannot enter and exit the site comfortably in forward gear, as part of the vehicle will have to access the building internally. The "Lorry Reversing Bay" as identified on the floor plans, does not have a clear distinction between the workshops and there does not appear to be a physical barrier separating them. The route shown on the swept path analysis, combined with the additional built form of the proposed extension would generate significant safety concerns for users of the site. The layout would neither be safe or secure for motor vehicle users and or pedestrians and does not provide acceptable standards of amenity for future users and occupiers of the development.

The proposal is therefore considered to be contrary with Local Plan policy TR1 and BE3.

Ecology

WCC Ecology note that whilst they do not have an objection to the proposal, they have highlighted the importance of care to be taken during completion of the works if approved. They have recommended the relevant notes are attached to any approval.

Landscape

Landscape have submitted a neutral comment. They have highlighted their recommendation that hedged boundaries should be gapped up and planting should be completed to filter and screen glimpsed views of the development.

Conclusion

The proposal constitutes inappropriate development within the Green Belt and fails to preserve the openness of the Green Belt by virtue of being of an excessive height, bulk and scale. The very special circumstances presented are considered to be insufficient in clearly outweighing the potential harm to the Green Belt. The proposal also generates significant safety concerns for users of the site. The layout would neither be safe or secure for motor vehicle users and or pedestrians and does not provide acceptable standards of amenity for future users and occupiers of the development, based on the limited space available for HGVs to access the site and manoeuvre.

The development is therefore considered to be contrary to the NPPF and Local Plan policy TR1, BE3 and DS18.

REFUSAL REASONS

- 1 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Local Plan policy DS18 echoes the requirements of the NPPF.

It is considered that the proposal represents inappropriate development, which is harmful by definition. There would be substantial harm to the openness of the Green Belt in both visual and spatial terms and the development would represent encroachment which would conflict with one of the purposes of the Green Belt. It is not considered that there are very special circumstances which exist that clearly outweigh the harm to the Green Belt.

- 2 Policy TR1 requires development to provide safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles, as appropriate. Policy BE3 states that development will not be

permitted that has an unacceptable adverse impact on the amenity of future users of the site.

The proposal fails to provide sufficient facilities for the access of multiple HGVs nor the safe movement of vehicles within the application site. The proposed arrangement would have a negative impact on the safety of the public highway and would be harmful to amenity of future users of the site.

The development is thereby considered to be contrary to the aforementioned policies.

Application No: [W 23 / 1231](#)

Town/Parish Council: Cubbington
Case Officer: Jack Lynch

Registration Date: 22/08/23
Expiry Date: 17/10/23

01926 456642 Jack.lynch@warwickdc.gov.uk

15 Beaufort Avenue, Cubbington, Leamington Spa, CV32 7TA

Proposed change of use from existing use as a Dwellinghouse (Use Class C3) to use as a Childrens Residential Care Home (Use Class C2). FOR Ernest Hardy Ltd.

This application is being brought to Planning Committee due to the number of objection received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the proposed change of use from existing use of a Dwellinghouse (C3) to Childrens Residential Care Home (C2).

The proposal would provide medium to long term accommodation for up to two children aged between 8-17 years of age with emotional behavioural difficulties and/or learning disabilities. The running of this care home would be undertaken as close as possible to that of a normal dwellinghouse.

There would be one member of staff on site to support the children. Any staff training or meetings would generally take place off-site and the children would also visit healthcare professionals off-site as per a normal family operation (i.e. doctors, dentists, etc.).

As well as the children being placed in the local schools in the catchment area, they would also utilise services and facilities in the surrounding area. The proposed change of use will operate in accordance with a management plan that will be required through the imposition of a condition.

The proposed works include the alteration to the insulation of the dwellinghouse through the installation of an acoustic partition roll, minimising the noise levels that will omit from the dwellinghouse following the change of use. Further, the change of use will operate in accordance with the submitted noise management plan.

THE SITE AND ITS LOCATION

The application site relates to 15 Beaufort Avenue, in Cubbington. The site is located within the urban boundary of Leamington Spa. Its current use is that of a dwellinghouse (Class C3).

The dwellinghouse is a semi-detached dwelling comprising of red brick. The dwelling benefits from a driveway to the frontage that would comfortably park 2 cars and a medium sized garden to the rear.

PLANNING HISTORY

Application site:

W/19/1715 - Erection of a two storey, part single storey side/rear extension and a porch extension. - GRANTED

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

WCC Highways – No objection.

WCC Market Management - No objection.

WDC Environmental Health – No objection. Subject to the imposition of conditions requiring the implementation of the proposed acoustic insulation scheme and noise management plan.

CLLR Daniel Russell – Objection. Lack of detailed management plan to show how the proposed development can be suitably integrated into the existing area and concerns over parking.

Public response – Thirteen comments of objection. One neutral comment. Concerns include:

- Parking concerns,
- Increased levels of traffic,

- Risk of antisocial behaviour,
- Impact to the character of the neighbourhood,
- Increased levels of noise, and
- Size of internal layout not suitable for proposed use.

ASSESSMENT

Principle of development

This proposal is for the residential care of children, therefore the provision of specialist housing.

The application site currently comprises a single dwelling unit. The existing use is residential and the proposed use is a children's residential care home that will provide accommodation for two children. The site is located within the urban boundary of Leamington Spa with local schools, shops and public transport nearby.

The proposal would provide medium to long term accommodation for up to two children aged between 8-17 years of age with emotional behavioural difficulties and/or learning disabilities. The running of this care home would be undertaken as close as possible to that of a normal dwellinghouse. There would be one member of staff on site to support the children. Any staff training or meetings would generally take place off-site and the children would also visit healthcare professionals off-site as per a normal family operation (i.e. doctors, dentists, etc.). As well as the children being placed in the local schools in the catchment area, they would also utilise services and facilities in the surrounding area.

Due to the nature of the use and the way in which the dwelling would operate as a normal dwellinghouse to support young people and integrate them within their locality, the proposed use is deemed acceptable in this location.

Furthermore, due to the nature of the proposal providing accommodation for children aged between 8-17, it is not considered that the change of use will generate any vehicular movements that would be greater than that of a normal dwellinghouse.

The proposal is therefore considered acceptable in principle.

Impact on character of surrounding area

There would be no external alterations to the dwellinghouse, therefore the proposal is compliant with Local Plan Policy BE1

Amenity of neighbouring properties

Policy BE3 of the Local Plan and the supporting Residential Design Guide SPD require developments to have regard to the amenities of local residents and this is supported by the National Planning Policy Framework which states that the level of detail and degree of prescription in a Supplementary Planning Document should

be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.

There are no external alterations proposed with this scheme. The site benefits from a medium sized garden which is considered to satisfy the requirements for private outdoor amenity space.

Objection comments have been received highlighting the potential harm that the change of use will generate to the amenity of neighbouring uses. These concerns include, parking, increased levels of traffic, risk of antisocial behaviour and increased levels of noise.

Parking, traffic and noise are referenced below in this report. However with regard to the risk of anti-social behaviour, the care home would be run in accordance with the Children's Homes (England) Regulations 2015. This includes the requirements for the day to day running and oversight of a children's home. The care home will appoint an experienced and qualified Responsible Individual and Experienced/Qualified Registered Manager to oversee the running of the home. A planning condition is also proposed requiring the submission of a management plan providing specific details on the day to day running of the care home, including dwelling maintenance, staffing and the behavioural management procedure.

The proposal is therefore considered to have an acceptable level of impact to the amenity of the future residents and the surrounding areas. The proposal complies with Policy BE3.

Noise

The Environmental Health Officer initially raised concerns over the change of use. However, following the submission of a noise management plan, they are satisfied with the proposal subject to the imposition of conditions.

The home should operate in harmony with adjacent neighbours both for the wellbeing of the neighbours and the children residing there. The noise management plan proposes reasonable measures to reduce noise that could potentially be generated from the property and mitigate the impacts of any such noise should it be generated. This includes restricting potentially noisy activities (i.e. ball games, singing etc) to times of the day that will not be disruptive to neighbouring dwellings. It also includes details on the monitoring of the residents from staff on a regular basis to ensure the relevant protocols are followed. Further details on behavioural management will be provided in the management plan which is proposed to be the subject of a planning condition.

The proposal also includes the installation of an acoustic partition roll to the insulation of the dwellinghouse, minimising the noise levels that will omit from the dwellinghouse following the change of use.

It is anticipated that the home will not generate any more noise than the average household with children residing. The proposal is therefore considered to have an

acceptable level of impact to the amenity of the future residents and the surrounding areas. The proposal complies with Policy BE3.

Access, Traffic and Parking

The WDC parking standards SPD requires 1 space per 3 residents for a residential care home.

15 Beaufort Avenue has an existing hardstanding driveway to the frontage that could comfortably park 2 cars. The existing dwelling has a parking requirement of 2 cars as per the WDC parking standards SPD. Officers consider 2 spaces sufficient to meet the requirements of this use as there will only be one member of staff on site at any one time and due to the occupants, who will reside here (children aged 8 – 17), it is unlikely that they will significantly increase the parking stress.

The Highways Authority have been consulted on this proposal and have raised no objection.

The development is considered to be in accordance with Policies TR1 and TR3 of the Local Plan.

Conclusion

The proposal provides an acceptable standard of living for the future residents, provides appropriate provision for parking and would not lead to a material increase in traffic movements above and beyond the existing lawful uses on site. The proposed use is acceptable in principle, and it is therefore considered that the proposal is in accordance with the aforementioned policies and recommended for approval.

CONDITIONS

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

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 105-01-01A REV A, and specification contained therein, submitted on 12th December 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 The development/use hereby permitted shall not be occupied/commence unless a full management plan has been submitted

to and approved in writing by the Local Planning Authority to include details relating to:

- Dwelling maintenance,
- Staffing and working schedule,
- Behaviour management procedure, and
- Car safety and parking.

Reason: To ensure that future occupants do not experience unacceptable levels of noise and the running of the dwelling is acceptable so that it does cause harm to the amenity of neighbouring uses, thereby in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 4 The development/use hereby permitted shall not be occupied/commence unless and until details of sound proofing have been submitted to and approved in writing by the Local Planning Authority and the sound proofing measures have been completed in full accordance with the approved details. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029. / To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 5 The proposal should operate in complete accordance with the noise management plan submitted to the Local Planning Authority on 11/12/2023. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029. / To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 6 The number of residents who reside at this dwelling, for the purposes of the approved use as a children's residential care home shall be no more than two at any time. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029. / To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
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Application No: [W 23 / 1425](#)

Town/Parish Council: Leamington Spa
Case Officer: Millie Flynn

Registration Date: 12/10/23
Expiry Date: 07/12/23

01926 456140 millie.flynn@warwickdc.gov.uk

6 Lillington Avenue, Leamington Spa, CV32 5UJ

Proposed works comprising a three storey rear extension internal reconfiguration of existing 7no. one-bed flats to create 4no. two-bed and 5no. one bed apartments for a total of 13 bedrooms (resubmission of W/23/0156). FOR Lillington Estates

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks permission for the erection of a three storey rear extension and reconfiguration of existing 7no. x one-bed flats to create 4no.x two-bed and 5no. x one bed apartments, to create a total of 13 bedrooms.

THE SITE AND ITS LOCATION

The application site comprises a substantial brick villa located on the south side of Lillington Avenue, in a predominantly residential area. The property has a vehicular access and parking to the front. The application site is also located with the Royal Leamington Spa Conservation Area.

PLANNING HISTORY

W/05/0755 - Extensions and improvements to 7 no. existing flats and formation of 2 no. new upper floor flats – *Granted*.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- H1 - Directing New Housing

- BE1 - Layout and Design
- BE3 - Amenity
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice
- TR3 - Parking
- FW3 - Water Conservation
- CC1 - Planning for Climate Change Adaption

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- WDC Refuse and Recycling Storage Requirements Guidance Note (2023)
- Emerging Net Zero Carbon DPD

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objects to the proposal on the grounds that the proposal represents overdevelopment, there is insufficient parking and the proposal includes no cycle parking or EVCP provisions.

WCC Highways: Objects to the proposal.

WCC Ecology: No objection, subject to conditions.

WCC Landscape: No objection.

WDC Conservation: No objection, subject to conditions.

WDC Environmental Health: No objection, subject to condition.

WDC Tree Officer: No objection.

WDC Waste Management: No objection.

Public Responses: 5 objection comments received on the following grounds;

- Overdevelopment of the site
- Removal of tree in rear garden
- Impact on neighbouring amenity in terms of loss of light
- Loss of biodiversity

- Lack of parking
- Impact on Arlington Mews in terms of safety

ASSESSMENT

Principle of development

Policy H1 of the Local Plan sets out where within the district housing development will be permitted. Point (a) states housing development will be located within *"the Urban Area, as identified within the policy and on the Policies Map"*.

The application site is located within the Urban Area of Leamington Spa and the existing site is of residential use. As such, the application site is considered to be an appropriate location for residential use and the creation of additional apartments at the site.

The proposed development is therefore considered to comply with Policy H1 of the Local Plan.

Design and Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area.

Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the streetscene is respected. BE1 states that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing.

Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan requires proposals that are within or directly affect the conservation area to demonstrate that they harmonise with the existing character of the area in terms of design, scale and external facing materials. The policy supports the retention, restoration and reinstatement of period details e.g. decoration, ornamentation, ironwork.

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

Objections have been received with concerns stating that the proposal is considered to represent overdevelopment of the site.

Officers note that the proposals have been reduced since the previous submission. The proposed extension is now contained to a smaller footprint, that does not go beyond the building line of the existing extensions. The proposed extension has been designed with similar architectural details as the neighbouring properties and is considered to be in keeping with the existing properties located along Lillington Avenue. The amended proposal also includes the erection of a side facing dormer to facilitate internal changes, again this is considered a modest addition which is in keeping with the surrounding character.

The Conservation Officer has been consulted and raises no objection to the proposal, subject to a condition being attached to any granted approval relating to matching materials.

The proposal is considered to represent an appropriate form of development, which would not detract from the character of the area, nor have a detrimental impact to the character or appearance of the Conservation Area, or its setting. Therefore, the proposal is considered to be in accordance with Local Plan Policies BE1 and HE1 and Neighbourhood Plan Policy RLS3.

Impact on neighbouring uses

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

An objection has been received, stating that the proposed rear extension will visually impact the amenity of the neighbouring property at No. 8 Lillington Avenue.

Living Conditions for the Future Occupiers

Since the submission of the formal application, internal amendments have been made in order to provide both appropriate outlook and light for the future occupiers of the proposal.

The proposal is considered to provide appropriate living conditions for future occupiers and all habitable rooms will benefit from an acceptable outlook and natural daylight.

Officers note that a number of the proposed bedrooms are served by side facing windows, which are in close proximity to the side elevations of neighbouring properties. However, as per the submitted drawings, the majority of the side facing windows are as existing, therefore Officers consider there to be no further harm.

The proposed side facing windows serving bedrooms to the second floor conversion have been amended to ensure they are obscure glazed and non-opening, this is due to the rooflights being installed where there is currently no windows. Officers are satisfied that the future users of such space will still benefit from appropriate outlook and light as there is a proposed front facing window. There will also be no loss of privacy to the neighbouring property at No.8 Lillington Avenue, as this property benefits from a side facing window.

The proposed dormer in the side elevation, is considered to provide appropriate outlook and light for the future user of the bedroom.

The Council's Residential Design Guide stipulates that flats/apartments should benefit from 10 sqm per bedroom in order to provide appropriate private outdoor amenity space for the users of the proposed development. Therefore, as there are 13 bedrooms proposed, 130 sqm of private garden space is required. The proposal is in excess of this as over 300sqm of private amenity space has been proposed for the future occupiers of the flats.

Impact on Neighbouring Amenity

There is no breach of the 45 - degree line when taken from the quarter point at ground floor or halfway point at first floor of the neighbour's nearest habitable windows.

Officers note that there are proposed side facing windows, however, it should be noted that the existing property benefits from side facing windows, therefore it is considered that the proposal does not create any further harm above and beyond the existing arrangement.

The Council's Residential Design Guide SPD stipulates that the separation distance for a three storey building with upper floors comprising habitable rooms other than bedrooms, should achieve a separation distance of 27.0m to a two storey dwelling in order to appropriately preserve the amenities of neighbouring occupiers. In this case a distance of 26.0m would be achieved Officers note that whilst this does not comply with the separation distance as indicated in the SPD by 1.0m, the existing arrangement has such a distance of 26.0m and the proposal does not seek to extend beyond that. Therefore, the proposal is not considered to result in an

unacceptable level of overlooking and loss of amenity for the rear neighbouring uses, nor for the future occupiers of the apartments.

Therefore, the proposal is not considered to result in harm to neighbour amenity, in terms of loss of privacy and light.

Access and Parking

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

An objection has been received regarding the submitted Transport Statement and information regarding the average car ownership across the Town Centre. However, it should be noted that such information has not formed part of the assessment, this is because it does not consider matters such as highway safety and parking stress locally. The objection further adds that the submitted Parking Survey is not credible due to the time it was carried out, as it does not consider daytime parking for the nursery. However, it should be noted that the submitted survey is compliant with the Council's Parking SPD. Surveys are carried out at night to gain an accurate reading of the parking stress within the locality which is considered to be at its greatest when most residents would have returned to their residence of an evening after work and school etc.

The concerns further state that the spaces provided are inadequate, however it should be noted that since the submission of the formal application the proposal has been amended to reduce the number of spaces proposed within the application site. It should also be noted that the submitted tree plan has been amended, as it included an area for parking, this was a mistake. Therefore, to confirm, there are no amendments to the rear boundary wall adjacent to Arlington Mews as part of this planning application and the number of parking spaces proposed within the application site is 6 spaces and the parking survey represents that there are adequate spaces within the vicinity of the site to accommodate the shortfall of 7 spaces.

Other concerns have been raised stating that the proposal will lead to dangerous parking along Lillington Avenue.

The Highways Authority has been consulted and object to the proposals, stating that the submitted parking survey does not comply with the SPD and that the proposed parking spaces within the application site do not include dimensions. It should be noted that WCC Highways initially raised no objection to the amended scheme, however this has since changed. Officers have set out below justification as to why the proposal is considered to accord with the aforementioned policies.

To accord with the Council's Parking Standards SPD, the proposed development should make provisions for the parking of 13 vehicles on site. However, the submitted site plan proposes 6 on-site parking spaces, thus creating a deficit of 7 spaces.

The applicant has submitted a parking survey which demonstrates that there is sufficient capacity locally to meet the parking demand from the proposal, without affecting the capacity or safety of the public highway. Officers note that given the time of the survey Friday 12th May – 02:00am, Officers would take the pragmatic approach that the survey was carried out on Thursday evening /Friday morning opposed to a Friday evening. Therefore, we would consider the survey sufficient, in this instance.

The proposed 6 spaces within the application site are considered to comply with the space standards as set out in the Council's Parking Standards SPD. It is noted that the Highways Authority have objected stating that the dimensions of each space should be annotated on the plans. The request for dimensions on the parking spaces is not set out in the SPD, notwithstanding that, the drawings are scaled and therefore can be measured. The spaces as shown on the plans comply with the standards as set out in the SPD.

It is considered that the proposal will not give rise to issues of highway safety and therefore accords with Policies TR1 and TR3 and the Parking Standards SPD.

Ecology

Policy NE2 of the Local Plan seeks to protect designated areas and species of national and local importance for biodiversity and geodiversity. Policy NE3 of the Local Plan states that new development will only be permitted where it protects, enhances and/or restores habitat biodiversity. Policy NE3 of the Local Plan states that new development will only be permitted where it protects, enhances and/or restores habitat biodiversity.

Objections have been raised with concerns to loss of Biodiversity.

The Country Ecologist has been consulted and raises no objection to the proposal. In light of the survey conducted at the site, it has been concluded that no further survey work for bats is required at this time. However, the Ecologist has recommended that the provision of 3 bat boxes are incorporated into buildings within the site, to increase biodiversity in line with the NPPF and benefit crevice dwelling species of bat which have been found to forage near to the site. Officers consider that this can be secured as part of a biodiversity-related condition.

The County Ecologist has noted, as highlighted in the previous application for this site, that impact upon Biodiversity needs to be considered. As such this can be secured by condition, in order to comply with the NPPF. It is also recommended that the buildings and any vegetation that may be impacted by works, is checked for nesting birds immediately prior to work. Should any birds be found, work should stop immediately and further advice can be given.

In addition, WCC Ecology recommend advisory notes be attached to any planning permission to ensure the protection of nesting birds and hedgehogs affected by the proposed development. The Case Officer agrees with the recommendations and considers the imposition of informative notes regarding the protection measures to be appropriate.

Overall therefore, subject the imposition of explanatory notes, the proposed development is considered to be in accordance with Policies NE2 and NE3 of the Local Plan.

Trees and Landscape

Policy NE4 of the Local Plan states that new development proposals should aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance.

The application proposes to remove one existing TPO tree (London Plane) at the southern edge of the site, however it should be noted that the TPO in question already has approval for its removal under tree application W21/0155 TCA. Here it was noted that the proposed works to remove the tree were considered necessary as the tree's roots had blocked drains from the property causing the basement to repeatedly flood. The tree's removal would have an adverse impact upon the public amenity in that a shade tree would be removed. However the removal of the tree would result in private relief - from blocked drains, from damage to the boundary wall, from excessive shade, from leaf litter and it was considered such benefits would outweigh the harm caused by the loss of the tree.

Objections have been received stating that application W21/0155 TCA has lapsed and that another application is required. Officers note that whilst no works for the removal of the tree have taken place to date, the removal of the TPO tree can be considered as part of this planning application.

The Council's Tree Officer has been consulted on the submitted tree-related documents and has concluded that based upon the information submitted, they raise no objection to the proposals nor are any further detailed arboricultural reports required. They are satisfied with the level of detail submitted regarding the tree removal and Officers are also satisfied that the circumstances surrounding the tree and its removal have not materially changed since its approval. Therefore, the removal of the tree is considered acceptable.

It is noted that WCC Landscape raised concerns regarding the lack of details submitted and requests that a condition is imposed securing replacement tree planting. However, Officers do not consider such condition proportionate to the scale of works, as whilst the tree removal is to be considered under the current application, Officers are mindful of its previous approval for its removal, of which there was no requirement for replacement planting. The Tree Officer is also satisfied by the proposals.

Sustainability

Policy CC1 of the Local Plan requires all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of the following adaptation measures where appropriate. Policy CC2 seeks to ensure proposals are designed, in terms of its location and scale, to minimise any adverse impacts on adjacent land uses and local residential amenity.

Further to this, the Net Zero Carbon DPD soon to be adopted, aims to minimise carbon emissions from new buildings within the District to support the achievement of national and local carbon reduction targets. The DPD will aim to ensure all new developments should be net zero carbon in operation. For the purposes of this DPD net zero carbon relates to regulated operational energy, which results from fixed building services and fittings (space heating, cooling, hot water, ventilation and lighting).

Officers are satisfied that a condition requiring submission of a Sustainability Statement will be secured to ensure compliance with Policies CC1 and CC2 of the Warwick District Local Plan and the Net Zero Carbon DPD.

OTHER MATTERS

Water Conservation

A condition is proposed to be added to ensure compliance with Local Plan Policy FW3 - Water Conservation.

Low Emissions

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Air Quality SPD. A condition requiring details of the charging point is considered necessary and reasonable and so will be added to any approval granted.

Waste

Waste and recycling storage could be accommodated within the site boundaries and out of sight of the public highway to the rear of the property. The collection of waste would be the same as the existing arrangements.

Construction Impacts

The Council's Environmental Health Officer has been consulted and raises no objection to the proposal, however they have recommended that a condition is imposed securing details of the construction phase of the development, in order to minimise the adverse impact on the surrounding residential amenity. Officers consider it necessary that a condition relating to a Construction Management Plan is attached to any approval granted.

Officers also note that the previous approval at the site, planning reference: W/05/0755 imposed a condition to ensure that all construction traffic/deliveries in association with the proposed development shall access the site from Lillington Road only. No access to the site shall be gained off Arlington Mews. Officers consider it necessary that such a condition is carried forward.

SUMMARY/CONCLUSION

The development proposals are considered to be in keeping with the character and appearance of the neighbouring property and the Conservation Area. In addition,

the proposals are not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to outlook and amenity. The proposals are in accordance with the aforementioned policies and it is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 0087 - 000, 0087 - 110 05 and 0087 - 111 04 submitted on 29th September 2023, 0087 - 310 07 and 0087 - 311 07 submitted on 8th December 2023, 0087 - 112 08 submitted on 12th December 2023, 0087 - 213 00 submitted on 13th December 2023 , 0087-0045TP and 0087-100-08 submitted 14th December 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 The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, ecologist supervision of destructive roof works, toolbox talk, emergency measures should a bat be found, including the erection of at least one bat box on a suitable tree or building, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the County Planning Authority. Such approved mitigation measures shall thereafter be implemented in full and maintained in perpetuity . **Reason:** To ensure that protected species are not harmed by the development.
- 4 No part of the development hereby permitted shall be commenced until a scheme for the provision of 3 bat boxes/bat roosting features to be incorporated into buildings within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **Reason:** In accordance with NPPF, ODPM Circular 2005/06.
- 5 The development hereby permitted (including site clearance) shall not commence until a Biodiversity Management Plan (BMP) to include a detailed schedule of habitats and protected species mitigation, and biodiversity enhancement measures including habitat management and long-term monitoring, to result in a biodiversity net gain (to include location of measures, installation timescale, timing of works and species lists for proposed planting has been submitted to and approved in writing by the Local Planning Authority. Such measures should be

shown on all applicable annotated site plans and elevations, such approved mitigation and enhancement measures shall thereafter be implemented in full and maintained in strict accordance with the approved details in perpetuity. **Reason:** To enhance the nature conservation value of the site and ensure biodiversity net gain in accordance with NPPF, ODPM Circular 2005/06.

- 6 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 7 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) 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;

g) 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 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.

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).

8 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.

9 All rooflights hereby permitted shall be conservation style only (flush fitting with central vertical glazing bar) and maintained as such. **Reason:** To ensure an appropriate standard of design and appearance, and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029

10 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

11 The development hereby permitted shall not be occupied unless and until:

(a) details of refuse and recycling storage areas for the development have been submitted to and approved in writing by the Local Planning Authority; and

(b) the refuse and recycling areas approved under (a) have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development.

Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.

Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

12 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)/ 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.

13 The development hereby permitted shall not be occupied unless and until the approved cycle parking facilities have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in

accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

- 14 Prior to the occupation of the development hereby permitted, the second floor window(s)/rooflights in the north-east 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 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.
- 15 All construction traffic/deliveries in association with the development hereby permitted shall access the site from Lillington Avenue; no access to the site whatsoever shall be gained off Arlington Mews. **REASON:** To protect the amenity of neighbouring properties in accordance with Policy BE3 of the Warwick District Local Plan.
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Planning Committee: 16 January 2024

Item Number: 9

Application No: [W 23 / 1689](#)

Town/Parish Council: Hatton
Case Officer: Dan Charles

Registration Date: 23/11/23
Expiry Date: 22/02/24

01926 456527 dan.charles@warwickdc.gov.uk

Land On The North East Side Of, Birmingham Road, Hatton

Variation of Conditions 14 and 17 of Planning Permission ref: W/19/0933
(Erection of 150 dwellings with all ancillary works) to allow for the use of the temporary access for up to 40 residential occupations FOR Taylor Wimpey Midlands

This application is being presented to Planning Committee as it is recommended for approval and more than 5 objections have been received.

RECOMMENDATION

That Authority be delegated to Officers to grant the Section 73 application to W/19/0933, subject to the relevant conditions.

PROCEDURAL MATTER

The application was referred to Committee on 14th December 2023. The application was deferred to allow additional consideration to take place relating to the number of HGV movements, volume of traffic at peak times, vehicle turning practices and whether the highway authority's assessment should be updated in light of current highway works on the A4177.

The proposal has now been reassessed by the County Highways Officer and the application is therefore being referred back to Committee for consideration.

DETAILS OF THE DEVELOPMENT

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' (ID: 21a Updated 06.03.2014) of the PPG.

In deciding an application under Section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application – it is not a complete re-consideration of the application (PPG Paragraph 031 Reference ID: 21a-031-20140306). In this case the applicant is seeking a variation to the wording of a condition through the use of a Section 73 application (PPG Paragraph 13 Reference ID: 17a-013-20140306).

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

This application seeks the variation of Conditions 14 and 17 which relate to the design and use of the temporary access. The proposal seeks to allow for the use of the temporary access for up to 40 residential occupations prior to the delivery of the main access junction from Birmingham Road. This requires some works to be carried out to the access to allow for the additional use.

The current Condition 14 states;

"The development shall not be occupied until the public highway A4177 has been improved so as to provide for the site access in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority, as shown on plan 890193 10-09 P3.

Reason: *In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.*

The current Condition 17 refers to the time limit imposed on the temporary access. The original wording is set out below:

The temporary construction/sales access shall be constructed strictly in accordance with the details as shown on plan reference 0102/2000 Rev B. The access shall be used for a maximum period of three years from the commencement of the development or the substantial completion of the primary access (whichever is the sooner) and thereafter, the land shall be restored to its former condition. Any new planting shall be carried out within the first planting season following the cessation of the use of the access.

Reason: *The access is only proposed for a temporary period and is not proposed to be a permanent vehicular access to serve the site.*

The revision seeks to reword Condition 14 to reflect the revised access plan that shows the access improved to allow for the use by residential occupations in addition to the current sales and construction traffic. The changes include works within the limits of the public highway which are subject to a Section 184 Agreement under the Highways Act.

The revised wording to Condition 14 is proposed to be:

The development shall not be occupied until the public highway A4177 has been improved so as to provide for the site access in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority, as shown on plan 0102-S278-100 Revision R.

Reason: *In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.*

The revised wording to Condition 17 is proposed to be:

"The temporary access hereby permitted shall be constructed in accordance with the details as shown on plan reference 950-S184 Ref G. The use of this access shall be limited to purposes for construction/sales and for a maximum of 40 residential occupations only. The use of the access shall cease at either the substantial completion of the primary access or within 18 months from the date of this decision, whichever is the sooner. Thereafter, the land shall be restored to its former condition within 6 months from the cessation of use of the temporary access. Any new planting shall be carried out within the first planting season following the cessation of the use of the access.

Reason: *The access is only proposed for a temporary period and is not proposed to be a permanent vehicular access to serve the site."*

The justification provided for the change states that the works for the new junction have been delayed due to the complex nature of the works and delays in the allocation of road space for the required time to complete the access works.

No other changes to the scheme are proposed and the temporary access will still be closed once no longer required.

THE SITE AND ITS LOCATION

The application site forms allocated site H28 as set out in Policy DS11 of the Local Plan 2011-2029 and as illustrated on the Policies Map. It is therefore allocated for housing development and associated infrastructure and uses. The site is currently under construction in pursuance of the approved application for residential development.

The proposal is flanked by the Birmingham Road to the south, the existing residential development to the east with open countryside to the east beyond Ugly Bridge Road. To the north lies an area of woodland known as Smiths Covert that bounds the site. An area of residential development sweeps around the top of Smiths Covert and to the north east of the application site.

Overall the site is approximately 7.5 hectares. The land rises from the public highway to the south towards Smiths Covert to the north. This topography is similar to the existing residential development to the east of the site.

PLANNING HISTORY

W/23/0928 - Retrospective permission for the display of 8 x 6m non-illuminated flagpoles, 1 x double sided non-illuminated totem sign and 5 x non-illuminated freestanding signs – **GRANTED 18.08.2023.**

W/20/1176 - Application for Variation of Condition 2 (approved plans) and Condition 14 (Access Layout) and Removal of Condition 10 (Provision of Footpath/Cycle Link) of planning permission W19/0933 – **REFUSED 28.10.2020. APPEAL ALLOWED 06.09.2021.**

W/19/0933 - Full Planning Application - 150 Dwellings (Class C3); New Vehicular Access from Birmingham Road; New Temporary Vehicular Access for Sales and Construction from Birmingham Road; & Associated Works – **GRANTED 19.02.2020.**

W/17/2415 - Full planning application for construction of 150no. dwellings (Class C3); a new vehicular access from Birmingham Road; a new temporary access for sales and construction from Birmingham Road; associated drainage and infrastructure; public open space; landscaping and all other ancillary and enabling works – **WITHDRAWN 24.04.2018.**

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS7 - Meeting the Housing Requirement
- DS11 - Allocated Housing Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- H10 - Bringing forward Allocated Sites in the Growth Villages
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space

- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Warwickshire Landscape Guidelines SPG

SUMMARY OF REPRESENTATIONS

Hatton Parish Council: Objection on the following grounds;

1. Right turns on and off the site will be prevented by bollards along the centre of the A4177, the intention being that traffic will continue to Stanks roundabout and so approach from the other direction. Some may well do so. Others however will make a U turn either through the Shell Filling Station or at the closed entrance to the old KEVII Hospital site. This will interfere with the flow through the one-way system adding to the already substantial delays particularly at peak times. It would also create a significant risk of collisions.

2. There would be uncontrolled integration of construction traffic, residents' vehicles and other vehicle movements resulting from occupation of the site, together with pedestrian activity with children, prams, pets etc. This will also pose a risk of accident and injury.

3. If further traffic light controls are used at the entrance to H28 this would add to the delays already being experienced

If Variation of Condition 14 is allowed, Condition 17 requires clarification to ensure that the works access is closed to all traffic as soon as the primary access is in use.

WCC Highways: No objection - The proposal for an amendment to the temporary access has been previously agreed with the Section 184 Engineer and the proposal has been supported by a Stage 2 Road Safety Audit which has been reviewed by the Safety Engineer.

WCC Highways - Further Comment: Following further consideration of the issues raised at Committee, the comment of no objection is maintained.

WCC Landscape: Queried whether additional vegetation is being removed and how the land will be reinstated.

Officer Response: No additional vegetation s required to be removed to facilitate the revised access point other than a stretch of newly provided grass. The condition requires the land to be reinstated to its former condition within the first planting season after the first use of the primary access.

Public Response: 27 objections received making the following comments;

- Original conditions imposed for safety reasons in order to avoid the risk to residential occupiers of the development until proper access had been constructed.
- Current access does not work particularly well.
- Arrangements should have been in place prior to works commencing.
- Should not be granted as it incentivises developer to benefit.
- Mud on road is already a concern and adding residents into the access particularly in winter months will exacerbate this.
- One banksman is insufficient to be responsible for the access.
- How will the 40 occupancies be policed?
- Will add additional traffic into the existing roadworks.
- Already dangerous to cross the road.
- Existing situation with roadworks is making pedestrian movements difficult.
- Not acceptable to put lives at risk.
- Not convinced the left-in-left-out arrangement is practical and could lead to more vehicles attempting to turn at the Shell garage.
- Existing disruption is already significant and this proposal will make it worse.

ASSESSMENT

History/Background

The principle of development has been established through the grant of full planning permission W/19/0933 for the erection of 150 dwellings and associated development. The construction of these dwellings is currently underway.

This application relates to Conditions 14 and 17 that relate to the delivery of the main site access and the operation and alteration of the current temporary construction and sales access to allow for the use for up to 40 residential occupations to be serviced from the temporary access point.

No other changes are proposed, and the final development will be in accordance with the approved layout.

The reason for the change is that due to delays in the scheduling process for the roadworks on Birmingham Road, the schedule has been delayed for the delivery of the access to this housing site. As a number of dwellings are near completion or have been completed, access needs to be provided before the units can be occupied.

In order to prevent the undue delay of occupation of the dwellings, including much needed affordable housing, the proposal seeks to vary the condition to allow up to 40 residential occupations to be allowed from the temporary access before the delivery of the main Birmingham Road access point.

On the basis of the above, the only relevant consideration in this case is the impact on Highway Safety.

Highway Safety

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

As existing, the site benefits from a temporary access point that has been installed to allow for construction traffic and sales uses prior to the formation of the primary access to the site. This access point fronts onto the Birmingham Road.

The main access to the site is proposed to be delivered through a Section 278 Highways Agreement. These works are due to commence imminently and are scheduled to be completed by the 4th Quarter of 2024. Under the current conditions, the site cannot be occupied until this main access is completed and operational.

Due to delays with the Section 278 process, the applicants currently have completed properties on the development which have been purchased but are unable to be occupied.

This application therefore seeks to vary the existing access conditions to allow for up to 40 residential occupations to be served from the temporary access point. As part of this proposal, the temporary access is to be improved to provide an acceptable access point to accommodate the additional vehicle movements.

The revisions to the temporary access include minor widening and the creation of a left-in-left-out only arrangement. This includes the provision of bollards to the centre line of the road to prevent vehicles turning right either into or out of the access point. Appropriate highways signage is also proposed to be provided to make road users aware of the restriction.

The proposal has been submitted with a Stage 2 Road Safety Audit which has reviewed the access point and the final submitted drawing has addressed the concerns that the auditor has raised. The Road Safety Audit has been assessed by the County Highways Road Safety Engineer as part of the assessment of the proposal and no objection is raised to the proposed access as identified on the submitted plans.

Further consideration of the application has been carried out by Warwickshire County Council Highways following the deferral of the application from the December Planning Committee.

Officers note that the temporary traffic signals for the main Section 278 works to form the permanent site access junction would not have been in place at the time of the road safety audit. However, it is noted that this application is for a modification to the temporary access that was in position at the time of the audit.

WCC's engineers have assessed the application to ensure that the modified temporary access will be capable of operating safely for all highway users irrespective of when the temporary traffic signals are in operation or, as happened over the Christmas period (and will potentially happen at other times when the main section 278 works are being carried out), the temporary traffic lights are removed.

Officers at Warwickshire County Highways have advised that the role of traffic management during roadworks is to control traffic and provide a safe working environment for workers and the travelling public. If for any reason the traffic management is not considered suitable, or something needs to change or flex in order to respond to changing circumstances, such as the introduction of occupational traffic from the development - then the engineers responsible for the safe operation of the site would alter the traffic management accordingly to maintain highway safety for all network users.

WCC Engineers are regularly on site and can be called upon to advise on the safe operation of the traffic management. The site operators can also call on engineers within the Network Management Team who have a wide experience of various forms of traffic management and controls that can be used.

However, in assessing the proposal, the County Highways Officer has advised that the introduction of occupational traffic does not fundamentally change the use or operation of the temporary access and its relationship with the temporary traffic signals, as the access is currently being used for both sales and construction traffic. In addition, it is noted that phase 2 of the traffic management proposals will see 3-way temporary signals in operation as the Traffic Management for the

permanent site access works has to extend and needs to span the temporary access.

The Traffic Management will remain in place after peak hours (site operating hours are 07:30 to 6pm Mon-Fri, and traffic signals are being manually operated from 7am to 7pm, seven days a week), and will therefore ensure the safe access/egress of occupational traffic outside of the site working hours.

The updated Transport Note provided shows that during the weekday peak hours (8am – 9am and 5pm to 6pm) the development will contribute circa 40 two-way vehicles, which equates to less than one vehicle per minute, split across access and egress movements.

The Highways Officer has advised that this level of traffic is in accordance with their original estimates and is not anticipated to cause any adverse capacity or safety issues on the local highway network given the proposed modifications and controls in place.

In addition to regular monitoring of the operation of the traffic management by the Main Contractor and WCC Engineers, Taylor Wimpey staff have requested that a member of the Road Safety Audit Team also attend site, when the traffic management is replaced in January.

In respect of traffic that may u-turn at the petrol filling station or the junction with Ugly Bridge Road, WCC Highways understand that the level of residential occupations will initially be low and then increase over time to the maximum of 40 to coincide with the opening of the permanent site access. Therefore for the first several months at least, the no right turn from the temporary access would only affect low numbers of residential traffic. The applicants will also ensure that any and all contract vehicles visiting the site use the designated route utilising turning at the roundabouts.

Introducing measures such as Temporary Traffic Regulation Orders to prohibit turning at these locations could have an adverse impact on the commercial operation of the petrol filling station, and impact the ability of road users to use Ugly Bridge Road as they currently do, and therefore would not be recommended by WCC Highways.

Should there be reports of such u-turning taking place during the roadworks, this information would be passed onto the Site Manager responsible for the traffic management to investigate, and if necessary changes made to the traffic management and signage installed.

Overall, Officers are satisfied that the existing access arrangements are such that the revision to the occupancy rate would not result in any harm to highway safety.

Officers note that works form the main access are imminently about to begin and once carried out, would allow for 100% occupation of the development and the use of the temporary access would cease and the land required to be restored to its former condition. It is therefore likely that the temporary requirements of the

revised condition would only be a short-term requirement and upon completion of the main junction with Birmingham Road, the conditions would require the access to be closed.

Officers are therefore satisfied that the proposal is acceptable having regard to Policies TR1 and TR3.

Assessment of previously imposed conditions

The granting of a Section 73 application grants a new planning permission for the development. Therefore, an assessment of previously imposed conditions is required to determine if they are still relevant to the application. Any conditions considered still relevant shall be carried forward and amended if necessary to reflect the updated planning permission.

The conditions attached to the original permission have been predominantly discharged and these shall be updated to compliance conditions to reflect the approved details. Other conditions that are for compliance only will remain as written.

No time limit condition is required as works have commenced. The sequence of remaining conditions has therefore been updated to reflect this.

Conclusion

The applicants have demonstrated that the temporary arrangements can provide an acceptable form of access for site users without being detrimental to highway safety and this has been considered by the Warwickshire County Council Highways Team who have raised no objection to the revised proposal.

Officers are satisfied that revisions would not result in any material change to the overall scheme and the limited period of the contingency highway measures is temporary and would have no resultant harm. The proposal is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s);
 - 0102/1000 Rev C, 0102/2000 Rev B, 0102-116A, 0102-118, 0102-119, 10-05-01-P9, 10-05-02-P9, 10-05-03-P6, 10-06-P8, 10-07-P8, 20142-DG-PL, 20142-DSG-PL, 20142-SG-PL, AA11, AA24, AA32, AA42, BU2, The Devonford – Plan, The Devonford – Elevations, The Devonford – Elevations (Plots 64&65 only), The Keydale – KE, The Keydale – KE (Plot 57 only), The Keydale – KE (SP), The Keydale – KE (SP) (Plot 131 only), The Beauford – NA21, The Byford – NA32, The

Ransford – NA46 – Plans, The Ransford – NA46 – Elevations, The Ransford – NA46 – Elevations (Plot 52&63 only), The Stanford – NA47 – Plans, The Stanford – NA47 – Elevations, The Ruston – NB52 – Elevations, The Rushton – NB52 – Plans, The Canford – PA25, The Gosford – PA34, The Lavenham – PD51 – Elevations, The Lavenham – PD51 – Plans, The Teasdale – PT45 – Elevations and The Teasdale – PT45 – Plans, and specification contained therein, submitted on 29 May 2019.

- 20142/PL/01E, c-1562-07 Rev B and c-1562-08, and specification contained therein, submitted on 27 August 2019
- 890193-10-07-P8, 1562-01J, 1562-02J, 1562-03J, 1562-04L, 1562-06K and 20142-EP-01 Rev D, and specification contained therein, submitted on 18 October 2019 1562-05J, and specification contained therein, submitted on 24 October 2019.
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REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 2 The tree and hedgerow protection measures approved in pursuance of Condition 3 of planning permission shall remain in full accordance with the details set out in the document titled Stage 1 & 2 Arboricultural Impact Assessment and Method Statement Report (Rev.9) dated August 19. The protective fencing shall remain in place for the full duration of any construction work . In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).

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.

- 3 The development (including any works of demolition) shall be carried out in strict accordance with the construction method statement submitted to and approved in writing by the local planning authority on 9 February 2023 in pursuance of planning permission W/19/0933 and the addendum construction method statement received by the Local Planning Authority on 22 November 2023.

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, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 4 The development hereby permitted shall be carried out in accordance with the details of hard and soft landscaping works submitted to and approved in writing by the Local Planning Authority on 5 January 2023 in pursuance of W/19/0933.

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.

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.

- 5 The development hereby permitted shall not be occupied until the scheme for the provision of adequate water supplies and fire hydrants submitted to and approved in writing by the Local Planning Authority on 1 June 2023 in pursuance of W/19/0933 has been implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

- 6 The development shall be carried out strictly in accordance with the detailed surface water drainage scheme for the site submitted to and approved in writing by the Local Planning Authority on 22 September 2022 and the scheme shall be fully implemented in accordance with the approved details before the development is completed.

Reason: 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.

7 The development hereby permitted shall be carried out strictly in accordance with the details of the contaminated land survey and remediation strategy as set out in the following documents submitted in pursuance of W/19/0933;

- Supplemental Site Investigation Report 252601-R01(00), December 2021, prepared by RSK Geosciences received on 21.01.2022.
- Remediation Method Statement 252791-R01 (01), August 2022, prepared by RSK Geosciences received on 23.11.2022.

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 planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with and shall be submitted to and approved in writing by planning authority. The site shall not be occupied until the approved addendum has been complied with.

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

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

8 The development shall be carried out in accordance with the detailed surface water drainage scheme for the site submitted to and approved in writing by the Local Planning Authority on 22.09.2022 and shall be fully implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029

9 The development hereby permitted shall not be occupied unless and until the pedestrian/cycle link has been fully delivered to connect the development with Ebrington Drive. The pedestrian/cycle link shall be constructed in accordance with the scheme submitted to the Local Planning Authority in pursuance of W/19/0933.

REASON: To ensure that the development has acceptable permeability with the existing residential development in accordance with Policies SC0 and TR1 of the Local Plan 2011-2029.

- 10 The development shall be carried out in accordance with the details of external facing materials submitted to and approved in writing by the Local Planning Authority on 9 March 2022 in pursuance of W/19/0933.

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.

- 11 The development hereby permitted shall be carried out strictly in accordance with the Landscape and Ecological Management Plan reference CSA/2684/05 (updated April 2019) received on 29 May 2019 submitted in pursuance of W/19/0933.

REASON: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 2011-2029.

- 12 The development hereby permitted shall be carried out strictly in accordance with the Construction and Environmental Management Plan (CEMP) reference CSA/2684/06 (updated April 2019) received on 29 May 2019 submitted in pursuance of W/19/0933.

REASON: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 2011-2029.

- 13 The development shall not be occupied until the public highway A4177 has been improved so as to provide for the site access in accordance with the scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority, as shown on plan 0102-S278-100 Revision R.

REASON: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 14 The layout of the estate roads serving the development [including footways, verges and footpaths] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2022' and constructed in accordance with the Highway Authority's standard specification.

REASON: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 15 No dwelling shall be occupied until the estate roads [including footways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

REASON: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 16 The temporary access hereby permitted shall be constructed in accordance with the details as shown on plan reference 950-S184 Ref G. The use of this access shall be limited to purposes for construction/sales and for a maximum of 40 residential occupations only. The use of the access shall cease at either the substantial completion of the primary access or within 18 months from the date of this decision, whichever is the sooner. Thereafter, the land shall be restored to its former condition within 6 months from the cessation of use of the temporary access. Any new planting shall be carried out within the first planting season following the cessation of the use of the access.

REASON: The access is only proposed for a temporary period and is not proposed to be a permanent vehicular access to serve the site.

- 17 The Developer shall ensure that all the measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site submitted to and approved in writing to the Local Planning Authority on 9 February 2023 in pursuance of W/19/0933 are maintained and operational for the duration of all construction works on the site.

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

- 18 The lighting scheme shall be carried out in accordance with the details submitted on plan reference 10-06 P8 received by the Local Planning Authority on 29 May 2019 in pursuance of W/19/0933.

REASON: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 2011-2029.

- 19 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.

20 The development hereby permitted shall be carried out strictly in accordance with the methodology set out in the Stage 1 & 2 Arboricultural Impact Assessment and Method Statement Report (Rev.9) dated August 19 and received by the Local Planning Authority on 27 August 2019 in pursuance of W/19/0933.

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.
