

Planning Committee

Minutes of the meeting held on Tuesday 28 February 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Ashford, Davison, R. Dickson, B Gifford, Jacques, Kennedy, Margrave, Murphy, Noone, and Quinney.

Also Present: Principal Committee Services Officer – Lesley Dury; Legal Advisor – Ross Chambers; Development Manager – Gary Fisher; Principal Planning Officer – Dan Charles and from WCC Highways Department – Dave Pilcher.

131. Apologies and Substitutes

- (a) Apologies for absence were received from Councillors Morris and Skinner.
- (b) Councillor Davison substituted for Councillor Tangri.

132. Declarations of Interest

Minute Number 137 – W/22/0860 – Land at Althorpe Street, Royal Leamington Spa

Councillor Ashford advised that he lived close to Althorpe Street.

Councillor Quinney advised that his name had been added to a general objection made by a group of people without his knowledge or consent which he would not have given had he been made aware.

Minute Number 139 – W/22/1365 – Kenilworth Service Station, Warwick Road, Kenilworth

Councillor Dickson declared an interest because he used the petrol station from time to time.

133. Site Visits

W/22/0860 – Land at Althorpe Street, Royal Leamington Spa

Councillors Boad, Dickson and Jacques advised that they had made an independent site visit to this application address.

W/22/1036 – Kenilworth Lodge, Leamington Road, Kenilworth

Councillor Dickson advised that he had made an independent site visit to this application address.

W/22/1365 – Kenilworth Service Station, Warwick Road, Kenilworth

Councillor Dickson advised that he had made an independent site visit to this application address.

PLANNING COMMITTEE MINUTES (Continued)

134. Minutes

The minutes of the meetings held on 13 December 2023 and 15 December 2023 were taken as read and signed by the Chairman as a correct record.

135. W/22/1762 – 41 Portland Street, Royal Leamington Spa

This application was withdrawn from the agenda at the request of the applicant.

136. W/22/1763 LB – 41 Portland Street, Royal Leamington Spa

This application was withdrawn from the agenda at the request of the applicant.

137. W/22/0860 – Land at Althorpe Street Royal Leamington Spa

The Committee considered an application from HGL Leamington Limited for the demolition of the existing buildings and the erection of a mixed-use scheme comprising commercial floorspace (Use Class E) and purpose-built student accommodation (Sui Generis) in three buildings of up to six storeys with associated landscaping, tree works, footpaths, parking, servicing, communal amenity area and associated works and improvements.

The application was presented to Committee because of the level of objection received including an objection from Royal Leamington Spa Town Council and because a Section 106 agreement was required.

Officers considered that the proposed development was in accordance with Policy TC12 of the Local Plan which sought to retain commercial uses on existing Town Centre Employment Sites. The scheme had also been assessed against Policy H6 of the Local Plan and subject to conditions was considered to comply with the requirements of the Policy.

An assessment had been made of the site-specific criteria in terms of the design and impact of the proposal and subject to appropriate conditions was considered acceptable.

The proposal was also subject to a Section 106 Agreement to secure a range of contributions together with management plans of both the student and commercial elements of the scheme to ensure that the sites were operated as a car free development.

For reasons set out within the body of the report, officers recommended that planning permission should be granted subject to the signing of the required Section 106 Agreement.

An addendum circulated at the meeting clarified certain inaccuracies in the officer's report:

- on page 1 of the report, reference had been made to the Head of Development Services. The post title should have stated Head of Place, Arts and Economy; and

PLANNING COMMITTEE MINUTES (Continued)

- on page 11, the report referred to the Council adopting the canal-side DPD, which was incorrect. The Council had approved a pre-submission DPD for submission to the Secretary of State but had not submitted it.

Further consultation responses had been received in respect of Warwickshire County Council Infrastructure and Warwick District Council Open Space with requests for Section 106 contributions. Additionally, subsequent to publishing the officer's report, a further 617 objections had been received reflecting comments already received and stated in the report.

Leamington Society had submitted an additional comment in respect of the viability of a "car free" development in relation to parking for the proposed creative hub office workers and the impact on residential amenity policy BE3.

The addendum also gave details about questions submitted by Planning Committee Members prior to the meeting, and the responses that had been made by officers to these.

The following people addressed the Committee:

- Councillor Singh, representing Royal Leamington Spa Town Council which had objected to the application;
- Mr Mackay, speaking in objection on behalf of the Warwick District Conservation Advisory Forum;
- Ms Swinson, Councillor J Chilvers, Mr Eurich and Ms Bond, objecting;
- Mr Harris and Mr Heath, supporting; and
- Councillor Mangat, District Councillor, objecting.

Officers confirmed that the proposal did not adhere to HMO policy rules in terms of concentration and student accommodation; all 328 bedrooms would be student accommodation. Members were informed that they needed to weigh this up against the opportunities presented by providing a large number of student housing units at this site and potential uses this could make for other HMOs that might no longer be needed for student accommodation; officers had advised their assessment of this in the report.

The scheme would involve removal of individual trees in the Canal Conservation Area, but officers advised that there was a plan for tree replacement as part of the ecological benefits of the site. New landscaping would take years for the ecological benefits to be realised whilst the trees grew.

Concerns were raised about pedestrian and cyclist safety with no clear link between the site and the town centre. The WCC Highways Officer explained that the applicant had undertaken to provide certain safety mitigations including lighting and a link for pedestrians to the town centre. Members noted that students could walk along residential streets to get to the town centre, George Street, Forfield Place and Church Street, if they did not follow signage. The WCC Highways Officers confirmed that the roads were not wide enough to provide a cycle lane so cyclists would need to negotiate Althorpe Street until arriving at cycle paths on High Street and Old Warwick

PLANNING COMMITTEE MINUTES (Continued)

Road, but it was felt that traffic was not heavy in Althorpe Street during daytime.

The Canal River Trust owned the bridge accessing the green space, so this was outside of the Council's control. There were no specific proposals to improve this access route.

Parking in the area was already an issue with cars illegally parking and no parking enforcement currently being undertaken although this could change overnight. The motor trade was a predominant feature of the businesses in the area, so vehicles were a constant feature. Members raised concerns about the additional parking chaos if students tried to park their cars on-street also but were informed that the proposals included a "no car scheme" and any planning consent would include conditions to ensure this. When pressed further, Members were informed that there were no plans for employees at the new development to be able to park their cars. Members were advised that they needed to balance how well this would work. The Development Manager advised that the Council did not proactively enforce planning conditions but reacted to complaints received about breaches of these. The effectiveness of a management plan to control parking issues was questioned.

Businesses would be closed because of the development and the amenity of those businesses remaining would be affected by large numbers of students living in the area as would nearby residents be affected by those students using their streets to get to the town centre. Noise and dust from the industrial units would affect those living in the new accommodation. Concerns were raised that students would need to keep their windows closed to be protected from the noise which Members were informed was a material consideration and would need to be weighed up in the overall balance.

There was concern about the number of job losses caused by the closure of certain of the industrial units to make way for the proposals. The applicant had stated that 15 jobs would be lost but a member of the public who had addressed the Committee had stated that 50 jobs would be lost. Members questioned which figure was correct. The Council's Solicitor advised that this was a question of balance for Members to determine. The loss of employment land could be construed as a breach of policy TC12, but this should be balanced against other matters, one of which was the aspiration to create more jobs than currently available. Members felt that the proposals would not positively contribute to the wider regeneration aspirations of this area of "Old Town".

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Quinney and seconded by Councillor Kennedy that the application should be refused contrary to the recommendation in the report.

The Committee therefore

Resolved that W/22/0860 be **refused** for the following reasons:

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Refusal Reasons |
|------------|---|
| (1) | loss of Employment Land (Neighbourhood Plan Policy RLS17 and Local Plan Policy TC12); |
| (2) | overconcentration of HMO's including student accommodation (Local Plan Policy H6 and Neighbourhood Plan Policy RLS1); |
| (3) | noise impact on future occupiers of the development (Local Plan Policy BE3); |
| (4) | adverse impact on the amenity of nearby uses and residents (Local Plan Policy BE3); |
| (5) | impact of on-street parking to the detriment of highway safety (Local Plan Policy TR3); |
| (6) | inadequate or unsafe access and circulation for pedestrians and cyclists (Local Plan Policy TR1); and |
| (7) | harm to the Canal Conservation Area (Local Plan Policy H1 and Neighbourhood Plan Policy RLS15). |

(The meeting was adjourned at 8.05pm for 15 minutes for a comfort break.)

138. W/22/1036 – Kenilworth Lodge, Leamington Road, Kenilworth

The Committee considered an application from Mrs Bates for the erection of two dwelling houses in the garden to the side of Kenilworth Lodge, including alterations to the site access, new entrance walls and piers and other landscaping works .

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

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

An addendum circulated at the meeting advised that Condition 4, which referred to the submission of a hard and soft landscaping scheme had been amended to include specific reference to the south-west boundary with Leamington Road as well as wider hard and soft landscaping works.

An additional condition requiring the submission of a Sustainability Statement had been attached.

PLANNING COMMITTEE MINUTES (Continued)

The addendum also gave details about questions submitted by Planning Committee Members prior to the meeting, and the responses that had been made by Officers to these.

Councillor K Dickson, representing Kenilworth Town Council addressed the Committee, objecting.

Members requested that the pedestrian access along the Leamington Road was safe and made pedestrian friendly, especially when considering the new developments taking place nearby.

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

The Committee therefore

Resolved that W/22/1036 be **granted** with an informative note to the applicant requesting that consideration be given to pedestrian access along the Leamington Road to provide a safe and pedestrian friendly route and 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 details shown on the site location plan and approved drawing and specification contained therein:

-2103_0001 P04 - Site Location Plan, received on 20/06/2022
-2103_0010 P05 - Existing Site Plan, received on 26/01/2023
-2103_0050 P17 - Proposed Site Plan received on 09/02/2022
-2103_0055 P08 - Plot 1 as proposed, received on 08/12/2022
-2103_0057 P07 - Plot 2 as proposed, received on 15/09/2022
-2103_0060 P06 - Access Road Context Elevations, received on 15/09/2022
-2103_0080 P03 - Bin Collection Information, received on 01/11/2022
-Design and Access Statement dated 07.07.2022, received on 27/07/2022 |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	-16171-04 Rev A, dated 24/08/2022, received on 01/09/2022 -Drawing titled 'Tree Protection Plan', drawing number Arbtech AIA 01, received on 14/10/2022; -Drawing titled 'Arboricultural Impact Statement', drawing number Arbtech AIA 01, received on 14/10/2022; -Refuse Statement, dated 15/09/2022, received on 31/10/2022 -Biodiversity Net Gain Assessment by arbtech, Issue 3, received on 06/02/2023 -Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey, dated 31/05/2021, received on 20/06/2022 -Arboricultural Method Survey by Arbtech, dated 14 October 2022, received on 14/10/2022; -Transport Statement reference SKP/16171-02 by DTA, received on 20/06/2022 -Technical Note numbered 16171-03A, dated 31 st August 2022, received on 01/09/2022 -Air Quality Assessment by Gem, report ref: AQ2206, dated September 2022, received on 27/09/2022 -Noise Impact Assessment by MZA Acoustics, dated October 2022, received on 08/12/2022

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

- (3) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme, including details of the southeast boundary with Leamington Road, has been submitted to and approved in writing by the local planning authority.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;</p> |
| (5) | <p>the development shall not be occupied until the existing vehicular access to the site has been widened/remodelled to provide an access width of 5 metres for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with approved plan 2103 0050 S0 Rev P17 and has been surfaced with a bound material for that distance. The vehicular access to the site shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. 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;</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| (6) | no gates, barriers or means of enclosure shall be erected across a vehicular access within 5.5 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway. 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; |
| (7) | the development shall not be occupied until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes. 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; |
| (8) | the development shall not be occupied until pedestrian visibility splays of at least 2.4 meters x 2.4 meters have been provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. These splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 meters in height above the level of the public highway footway. 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; |
| (10) | the development shall not be occupied until the proposed visibility splays as shown on approved plan 16171-04 Rev a have been provided to the vehicular access to the site. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. 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; |
| (11) | no development shall commence including any site clearance, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | adhered to through the construction period.
The approved plan shall provide for: <ol style="list-style-type: none">i. The routing and parking of vehicles of HGVs, site operatives and visitors;ii. Hours of work;iii. Loading and unloading of plant/materials.iv. Storage of plant and materials used in constructing the development.v. The erection and maintenance of security hoarding.vi. Wheel washing facilities to prevent mud and debris being passed onto the highway.vii. A scheme for recycling/disposing of waste resulting from construction works.viii. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period. |

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;

- (12) prior to the commencement of the development hereby approved (including all preparatory work), the Arbtech Arboricultural Method Statement report dated 14 October 2022, including their Arboricultural Method Statement and appended Tree Protection 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.

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 occupation of the dwellings hereby permitted, one 16amp (minimum)

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | 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 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 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; |
| (14) | noise from building services, plant, or mechanical equipment of a similar description shall not exceed noise rating level NR25 internally within habitable rooms of the development. 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; |
| (15) | prior to the occupation of the development hereby permitted, the bedroom windows in the side elevation of the dwelling on Plot 1 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; |
| (16) | the development hereby permitted shall not be occupied unless and until details of satisfactory bicycle parking facilities for each |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | dwelling (1 space per bedroom) have been submitted to and approved in writing by the Local Planning Authority. Thereafter those facilities shall be retained. 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; |
| (17) | 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; |
| (18) | within one month of the erection of the acoustic fencing hereby approved, it shall be painted dark green in colour and retained and maintained as such thereafter. Reason: To protect the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (19) | the development hereby permitted shall not be occupied unless and until the refuse and recycling storage area for the development has been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development and the neighbouring dwellings. Thereafter that area shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development. Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (20) | the development hereby permitted shall not commence until a detailed schedule of habitat and species enhancement measures to result in a biodiversity net gain (to include location of measures, timing of works, species lists for proposed planting, and long-term management plans for features where applicable) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation and enhancement measures shall thereafter be implemented in full and maintained in perpetuity. Reason: To enhance the nature conservation value of the site and ensure biodiversity net gain in accordance with the NPPF; |
| (21) | no part of the development hereby permitted shall be commenced, until a scheme for the provision of 2 swift nest boxes and 2 bat boxes to be incorporated into or erected on buildings within the site has been submitted and approved in writing by the County 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: To enhance the nature conservation value of the site; and |
| (22) | a condition on the submission of a Sustainability Statement (see addendum). |

139. **W/22/1365 – Kenilworth Service Station, Warwick Road, Kenilworth**

The Committee considered an application from Motor Fuel Group for the creation of a charging zone including installation of six electric vehicle charging points, sub-station enclosure, LV panel and associated forecourt works.

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

The officer was of the opinion that the proposal was considered to have an acceptable impact on the character and appearance of the area and on the setting of the adjacent conservation area. The proposal was also considered to create no additional harm to the amenity of neighbouring uses. There would be no detriment to highway safety, having regard to the safety of both vehicles and pedestrians.

PLANNING COMMITTEE MINUTES (Continued)

The proposals were in accordance with the policies stated in the report, and it was recommended that the application should be granted.

An addendum circulated at the meeting advised that officers were mindful that the boundary of the application sited clipped the adjacent Conservation Area, however, it was considered that the proposed works would not cause material harm to the surrounding area.

The addendum also gave details about questions submitted by Planning Committee Members prior to the meeting, and the responses that had been made by officers to these.

Councillor K Dickson, representing Kenilworth Town Council addressed the Committee, objecting.

Members requested that landscaping should be planted around the sub-station to soften its effect and screen the green space.

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 Margrave that the application should be granted.

The Committee therefore

Resolved that W/22/1365 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 details shown on the site location plan and approved drawing(s) WPS-MFG-STD-EV-02 submitted on 22nd August 2022 and WPS-MFG-540-P-03 REV C and WPS-MFG-540-P-04 REV A submitted on 10th January 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 use of the whole premises for the purposes of shop, fuel station and EV charging points shall be restricted to between the hours of 7.00am and 11.00pm. Reason: To protect the amenities of surrounding |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | properties, in accordance with Policy BE3 of the Warwick District Local Plan 2011 – 2029; |
| (4) | the development hereby permitted shall be carried out strictly in accordance with the details as set out in the 'Noise Impact Assessment Technical Report 39015-R3' produced by Sound Solution Consultants Limited and dated 10th January 2023.
Reason: To protect the amenities of surrounding properties, in accordance with Policy BE3 of the Warwick District Local Plan 2011 – 2029; and |
| (5) | a condition to provide landscaping around the sub-station to act as screening. |

140. **W/22/1202 – Telent, Point 3, Haywood Road, Warwick**

The Committee considered an application from Telent Technology Services Limited for the erection of two decks of parking on top of the existing car park.

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

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

An addendum circulated at the meeting gave details about questions submitted by Planning Committee Members prior to the meeting, and the responses that had been made by officers to these.

Members had concerns about the direction that the security cameras might be pointing so requested that an informative note to the applicant be added to ask the applicant to be mindful to respect the privacy of neighbouring properties. An additional condition was also requested for the provision of landscaping around the car park to act as screening.

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

The Committee therefore

Resolved that W/22/1202 be **granted** with an informative note to the applicant requesting that in respect of the security cameras in use, consideration is given to ensuring the privacy of neighbouring properties and subject to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- | 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 details shown on the site location plan, approved drawings, and specification contained therein:

-Site Location Plan, referenced PF/9239.01, received on 21/07/2022;
-Drawing titled, 'PROPOSED SITE PLAN', received on 21/07/2022;
-5350/LM.01 Rev B, received on 21/07/2022;
-8249/G [1] Rev D, received on 21/07/2022;
-8249/G [11], received on 21/07/2022;
-8249/G [10], received on 21/07/2022;
-8249/G [13], received on 21/07/2022;
-8249/G [3], Rev D received on 21/07/2022;
-8249/G [4], Rev D received on 21/07/2022;
-8249/G [6], Rev B received on 21/07/2022;
-8249/G [7], received on 21/07/2022;
-8249/G [8], received on 21/07/2022;
-8249/G [9], received on 21/07/2022;
-220033-A-PR-200 Rev A, received on 04/10/2022;
-220033-A-PR-201 Rev D, received on 28/11/2022;
-220033-A-Ex-202 Rev D, received on 28/11/2022;
-Arboricultural Impact Assessment by Aspect Arboriculture, dated June 2022, reference 11473_AIA.001, received on 21/0/2022;
-Multi Deck Car Park Construction Management Plan, received on 21/0/2022;
-Planning, Design and Access Statement, dated July 2022, reference PF/9239, received on 21/07/2022;
-Preliminary Ecological Appraisal by Ecolocation, referenced 2022-04(09), received on 09/02/2022;
-Landscape and Visual Assessment by International Design Group, dated May 2022 (revised Feb 2022), received on 09/02/2023;
-Air Quality Assessment by Air Quality Consultants, dated December 2022, received on 14/12/2022. |

Reason: For the avoidance of doubt and to secure a satisfactory form of development in

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3) | <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> |
| (4) | <p>no development 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. 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;</p> |
| (5) | <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 District 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 and construction shall be carried out in strict accordance with the approved construction management plan. The construction</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | management plan shall be strictly adhered to at all times. 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; |
| (6) | no development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall provide details such as external levels plans and overland flow routeing plans, in addition to cross sections of any proposed attenuation features and outfall structures, demonstrating that the surface water drainage system is designed in accordance with 'The SuDS Manual', CIRIA Report C753. The approved works shall be undertaken prior to the first occupation of the development. Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policies FW1, FW2 and NE3 of the Warwick District Local Plan 2011-2029; |
| (7) | the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	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;

(8) no development or other operations (including demolition, site clearance or other preparatory works) shall commence until an arboricultural method statement and tree protection plan, together referred to as the scheme of protection, for the protection of the trees to be retained should 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 construction may have;
- the impact that changes in level may have; and
- the impact that the installation of services/utilities/drainage may have (if appropriate).

The scheme of protection should make recommendations for:

- a) tree pruning to allow the development to proceed (if appropriate);
- b) 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;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | c) ground protection where scaffolding will be erected (if appropriate); |
| | d) ground protection where cranes will be installed (if appropriate); |
| | e) 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; and |
| | f) 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. |

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.

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;

- (9) the development hereby permitted shall not commence until a detailed schedule of habitats and species mitigation and enhancement measures (to include timing of works, enhancement measures for birds, bats, mammals and insects such as those indicated within Appendix 3 of the submitted PEA dated September 2022) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation and enhancement measures shall thereafter be implemented in full and retained in perpetuity. **Reason:** To ensure that protected species are not harmed by the development and to ensure a net biodiversity gain in accordance with NPPF;
- (10) prior to the occupation of the building hereby permitted, a detailed drainage maintenance plan, written in accordance with CIRIA C753, shall be submitted to and approved in writing

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | by the Local Planning Authority. The maintenance plan shall provide 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. The LPA shall be kept informed of the party responsible, including contact name and details, when these details change thereafter, and such approved measures shall thereafter be implemented in full. Reason: To ensure satisfactory future maintenance of the sustainable drainage structures in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029; |
| (11) | 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 occupation of any development to the satisfaction of the Local Planning Authority. Reason: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (12) | within one month of the first use of the car park, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. In order to reduce car travel and increase travel by more sustainable transport modes, the Plan shall specify targets for mode share shifts to be achieved and a time period to achieve this from the use of the development. The Plan shall be implemented and monitored in accordance with its terms. In the event of failing to meet these targets, a revised Plan shall be submitted to and be approved in writing by the Local Planning Authority to address any shortfalls and where necessary make provision for and promote improved sustainable forms of access to the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority. Reason: In the interest of |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | 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; |
| (13) | the development hereby permitted shall not be occupied unless and until the external cladding shown on the approved plans has been installed in full. 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; and |
| (14) | a condition to provide landscaping around the car park to act as screening. |

141. **W/22/1889 – Green Acres, 34 Bridge Street, Barford**

The Committee considered an application from Mr and Mrs Locker to raise the existing roof to enable a loft conversion with new dormer windows; a single storey rear extension with swimming pool; a two-storey extension to the side; and a new render finish with timber cladding.

The application was presented to Committee because of a recent refusal at a committee meeting held in November 2022.

The officer was of the opinion that the proposals did not result in unacceptable impact on the street scene, amenity of neighbouring occupiers nor did they unacceptably impact protected species. The proposal was considered to satisfy the criteria of Local Plan Policies HE1, BE3 and NE2 and Neighbourhood Plan Policies B6 and B8. It was recommended that planning permission should be granted.

Members considered that there was insufficient information provided to determine a decision on the application. The Development Manager advised that the Committee might consider deferring a decision pending the provision of additional information from the applicant. Members requested detailed drawings showing where shadows fell as the sun moved through the day, especially in respect to the windows. They also requested information on the planning regulations that should be considered.

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

The Committee therefore

Resolved that W/22/1889 be **deferred** until officers obtained further information on the impact on the

PLANNING COMMITTEE MINUTES (Continued)

amenity of the neighbouring property. Detailed illustrations and plans with measurements were requested to show where shadows fell as the sun moved through the day, and the relation to windows. Information was requested on the relevant planning regulations to be considered.

142. 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 9.39pm)

CHAIRMAN
23 May 2023