

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 4 November 2025, at 6.00pm, and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor A Boad (Chair)  
Councillor J Kennedy (Vice Chairman)

Councillor K Aizlewood  
Councillor M Collins  
Councillor R Dickson  
Councillor B Gifford  
Councillor M Luckhurst

Councillor R Margrave  
Councillor P Phillips  
Councillor C Wightman  
Councillor H Yellapragada

### **Emergency Procedure**

At the commencement of the meeting, the emergency procedure for Town 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 Chair 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 meeting held on 7 October 2025.

**(Pages 1 to 18)**

**Part B – Planning Applications**

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

5. **W/25/0455 – Milverton House, Court Street, Royal Leamington Spa**  
**(Pages 1 to 19)**  
**\*\*Major Application \*\***
6. **W/25/1214 – Land on the South Side of Chesterton Drive, Royal Leamington Spa**  
**(Pages 1 to 23)**  
**\*\*Major Application \*\***
7. **W/25/0519/LB – Sheldon Bosley Knight, 28, 29 & 34 Denby Buildings, Regent Grove, Royal Leamington Spa**  
**(Pages 1 to 5)**
8. **W/25/0819 – 126 Cubbington Road, Lillington, Royal Leamington Spa**  
**(Pages 1 to 10)**
9. **W/25/0914 – 3 Clemens Street, Royal Leamington Spa**  
**(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

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General Enquiries: Please contact the Committee Services team via email at [committee@warwickdc.gov.uk](mailto: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](mailto:planningcommittee@warwickdc.gov.uk)

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# Planning Committee

Minutes of the meeting held on Tuesday 7 October 2025, at the Town Hall, Royal Leamington Spa, at 6.00pm.

**Present:** Councillor Boad (Chair); Councillors Davidson, R Dickson, B Gifford, Harrison, Kennedy, Luckhurst, Margrave, Phillips, and C Wightman.

**Also Present:** Sandip Sahota – Business Manager; Dan Charles - Principal Planning Officer; Lucy Hammond – Principal Planning Officer; Erin Weatherstone – Principal Planning Officer; James Moulding – Planning Officer; Nigel Bell – Legal Advisor; and Sophie Vale – Principal Committee Services Officer.

## 47. **Apologies and Substitutes**

- (a) apologies for absence were received from Councillor Collins; and
- (b) Councillor Harrison substituted for Councillor Yellapragada and Councillor Davidson substituted for the Green Vacancy.

## 48. **Declarations of Interest**

Minute 51 - W/24/1346 – Land East of Birmingham Road and Haywood Road Junction, Warwick

Councillor C Wightman declared an interest because the application site was within her ward. However, she was not predetermined and would consider the application with an open mind.

## 49. **Site Visits**

Councillor R Dickson made independent site visits to W/24/1346 – Land East of Birmingham Road and Haywood Road Junction, Warwick and W/24/0454 – Meadow View, 8 Hob Lane, Burton Green. He did not speak to anyone whilst there.

Councillor C Wightman made an independent site visit W/24/1346 – Land East of Birmingham Road and Haywood Road Junction, Warwick and did not speak to anyone whilst there.

## 50. **Minutes**

The minutes of the Planning Committee meeting held on 9 September 2025 were taken as read and signed by the Chair as a correct record.

## 51. **W/24/1346 – Land East of Birmingham Road and Haywood Road Junction, Warwick**

The Committee considered an application from Warwick 27a Limited for the erection of drive-thru facility, new vehicular and pedestrian access from Haywood Road and ancillary works.

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

The application was presented to Committee because of the number of support letters received and it was recommended for refusal.

The officer was of the opinion that the principle of development was acceptable and noted that the development would be acceptable in terms of drainage, ecological impacts, air quality and sustainability. It was also noted that the proposed development would provide additional employment opportunities in the local area.

However, the site was considered to be harmful the character and appearance of the area and it had not been demonstrated to the satisfaction of statutory consultees that matters relating to noise impact and the impact on highway safety had been adequately mitigated. The provision of employment opportunities was not considered to outweigh the identified harm.

For the above reasons, the development was recommended for refusal.

An addendum circulated prior to the meeting advised of additional comments received.

The following people addressed the Committee:

- Councillor Gorman, speaking in objection on behalf of Warwick Town Council; and
- Councillor P Wightman, speaking in objection as a District Councillor.

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

**Resolved** that W/24/1346 be **refused**, for the following reasons:

**No.    Reasons**

- (1)    policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore the Residential Design Guide SPD provides a detailed framework which should be followed in order to achieve good design. Policy NE4 of the Warwick District Local Plan refers to landscape and states that new development will be permitted that positively contributes to landscape character.

The 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

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Reasons**

permission should be refused for development of poor design.

In the opinion of the Local Planning Authority is not satisfied that an acceptable form of development can be accommodated on the site that does not have a detrimental impact on the existing network of green spaces that define the character of the area and provides an attractive entrance into Warwick along the Birmingham Road.

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

- (2) policy NE4 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that would have a detrimental effect on features which make a significant contribution to the character, history and setting of an asset, settlement, or area.

In the opinion of the Local Planning Authority, the removal of various trees that are subject to a Tree Preservation Order would result in the loss of features that make a significant contribution to the green corridor that forms the approach into Warwick along the Birmingham Road. The replacement planting is not considered to adequately mitigate the landscape harm.

The development is thereby considered to be contrary to the aforementioned policy;

- (3) 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.

Section 9 of the NPPF seeks to promote sustainable transport and sets out a range of requirements for new development to ensure that impacts on existing transport networks can be addressed.

In the opinion of the Local Planning Authority, in consultation with the Local Highways Authority, the development has not been submitted with sufficient Transport information to make an adequate assessment of the potential impact on highway safety as a result of the proposed development.

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Reasons**

The proposal is thereby considered to be contrary to the aforementioned policies; and

- (4) policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

In the opinion of the Local Planning Authority insufficient information has been provided to demonstrate that the use can be adequately accommodated on the site without resulting in unacceptable adverse noise impact on the amenity of neighbouring residents to the site.

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

### **52. W/24/0454 – Meadow View, 8 Hob Lane, Burton Green**

The Committee considered an application from Tsun Li for the demolition of the existing dwelling and the subsequent erection of four dwellings with associated works to access, landscape, and parking.

The application was presented to Committee because of the number of objections received, and the application was recommended for approval.

At the time of writing the report, the Council was not able to demonstrate a Five-Year Housing Land Supply. As such, paragraph 11d) of the National Planning Policy Framework (NPPF) was engaged for the purpose of decision taking.

The site did not lie in a protected area for the purposes of paragraph 11d).

Paragraph 11d) ii) required a test to determine if any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the NPPF taken as a whole, having particular regard to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes (where applicable).

The site was considered to be located in a sustainable location and represented an effective use of land. The principle of the development was supported by Policy H1.

The proposal would introduce benefits in the form of the creation of a net increase of three new dwellings in a sustainable location within the garden of an existing property. Limited to moderate weight was afforded to this benefit of the scheme.

Subject to conditions and notes and a legal agreement, the officer was of the opinion that the proposal would not give rise to any adverse impacts in

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

relation to heritage matters, residential amenity, highways matters and parking, ecology and biodiversity, flood risk or climate change and mitigation. These were considered to be neutral within the planning balance, and no adverse impacts were identified.

The proposal by reason of its layout and design was considered to represent back land development, however, the harm arising from this was considered to be limited when considering the site context with surrounding built form and limited public viewpoints. The density of the development was considered to reflect that of the surrounding built form and therefore this was considered to introduce limited harm having regard to Policies BE1, NE4, BD2 and BG7.

When considering the scheme as a whole within the titled balance, the officer was of the opinion that the proposal would represent a sustainable form of development, and no adverse impacts would significantly and demonstrably outweigh the benefits identified. It was therefore recommended that planning permission be granted.

An addendum circulated prior to the meeting advised of additional consultation responses received.

Mr Newsome 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 Kennedy and seconded by Councillor Luckhurst that the application should be granted.

**Resolved** that W/24/0454 be **granted**, subject to

- (a) a note requesting the applicant to further explore bin storage options and waste management solutions when finalising the scheme; and
- (b) the following conditions:

**No. 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)

- Proposed Site Plan (3403 S3 100 d)
- Plot 01 Proposed Plans (3403 S3 200 b)
- Plot 1 Proposed Elevations (3403 S3 250 a)

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Conditions**

-Plot 2 Proposed Plans (3403 S3 300 a)  
-Plot 3 Proposed Plans (3403 S3 400 a)  
-Plot 3 Proposed Elevations (3403 S3 450)  
-Plot 4 Proposed Plans (3403 S3 500 a)  
-Plot 4 Elevations (3403 S3 550)  
and specification contained therein, submitted on 02/04/2024, 09/07/2024 and 09/07/2024 respectively.

**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 in the development 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 and HE1 of the Warwick District Local Plan 2011-2029;

- (4) no works shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

**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;

- (5) the development hereby permitted shall not commence unless and until tree protection/mitigation measures have been submitted to and approved in writing by the Local Planning Authority and the approved measures have been put into place. The approved measures must remain in place for the duration of construction works. The information to be submitted must include:

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Conditions**

- a) a detailed scaled plan (to a scale and level of accuracy appropriate to the proposal) showing the position of every tree on the site, and every tree on land adjacent to the site (including street trees) that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area etc) with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres;
- b) a schedule of the trees surveyed as specified in paragraph 4.2.6 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction - Recommendations; and
- c) an arboricultural implications assessment, arboricultural method statement and tree protection plan (to include protection measures during and after construction and any construction exclusion zones) (in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction) which also includes any proposal for pruning or other preventative works.

**Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

- (6) no development shall take place until:
  - 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; and
  - c) An Archaeological Mitigation Strategy document (including a Written Scheme

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Conditions**

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 approved documents, shall be undertaken in accordance with those documents.

**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;

- (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 local planning authority seriously damaged, defective or diseased

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Conditions**

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) the development hereby permitted shall not be occupied unless and until:

(a) details of refuse and recycling storage areas for the development, including management in relation to odours and flies, 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;

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Conditions**

- (9) 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 interests of Public Safety from fire and the protection of Emergency Fire Fighters;

- (10) any gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 10 metres of the near edge 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) the development shall not be occupied until a turning area has been provided within the site so as to enable food delivery type to leave and re-enter the public highway in a forward gear.

**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;

- (12) the existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning 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;

- (13) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Conditions**

thereafter those areas shall be kept marked out and available for such use at all times.

**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;

- (14) 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;

- (15) the development hereby permitted shall be carried out in full accordance with the mitigation measures and precautionary working methods contained in the Great Crested Newt Mitigation Strategy report by SEED, report issue date 16.09.2024.

**Reason:** To ensure protected species are not harmed by the development in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;

- (16) the development hereby permitted shall be carried out in full accordance with the recommendations and mitigation measures

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Conditions**

for reptiles, birds, badger and terrestrial mammals contained in section 4 of the Preliminary Ecological Appraisal report by SEED, report issue date 28.03.2024.

**Reason:** To ensure protected species are not harmed by the development in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;

- (17) the Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with 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;

- (18) the noise rating level from any plant or equipment (measured as LAeq,5 minutes), when 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). The measurements and assessment shall be made according to BS 4142:2014. Any mitigation measures installed to achieve this noise level shall remain in place thereafter and shall not be removed or altered in any way.

**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;

- (19) the development hereby permitted shall be carried out in strict accordance with the details set out in the approved Energy Statement (Reference P2411/SER/TD/P4) submitted to the Local Planning Authority on (26/06/2025).

No dwelling hereby permitted shall be occupied unless and until a Verification Report to demonstrate that the as-built performance

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Conditions**

of the constructed dwelling complies with the approved Energy Statement has been submitted to and approved in writing by the Local Planning Authority.

The Verification Report shall include:

- SAP calculations of the constructed dwelling(s).
- Results of the measured air permeability tested in accordance with the procedures set out in TM23 (and reported as part of compliance with Section 7, Part L of Buildings Regulations).
- Accredited construction detail performance as confirmed by infra-red thermographic survey and selective borescope surveys or other method as agreed in writing by the LPA.
- Logbook provided to demonstrate that ventilation and heating systems are installed and operating correctly, and a user guide on how these are to be used in operation of the building.

**Reason:** To ensure that the constructed building(s) meet the standards set by Policy NZC1 of the Warwick District Net Zero Carbon Development Plan Document (DPD);

- (20) 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; and

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

### **No. Conditions**

(21) prior to the occupation of the development hereby permitted, the first floor side facing windows of the new dwellinghouses hereby permitted and the first floor bathroom windows and landing window of Plot 4 identified as rooms 10, 16 and 15 on the approved plans 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.

### **53. W/25/0117 – 7 Lillington Road, Royal Leamington Spa**

The Committee considered an application from Mr and Mrs Pritchard for the demolition of existing single storey side extension, the erection of two-storey wrap-around side/rear extension, the erection of single storey rear extension, a boundary wall to replace timber fencing to frontage and the replacement of all windows and doors throughout.

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

The officer was of the opinion that the proposed development complied with Local Plan Policies BE1, BE3, HE1, HE2, NE1, NE2, TR3, the Residential Design Guide SPD, and Neighbourhood Plan Policy RLS3. It was therefore recommended that the application be granted.

An addendum circulated prior to the meeting advised of a correction to the summary of representations in the report.

Following consideration of the report, presentation and the representation made prior to the meeting, it was proposed by Councillor R Dickson and seconded by Councillor B Gifford that the application should be granted.

**Resolved** that W/25/0117 be **granted**, subject to the following conditions:

## PLANNING COMMITTEE MINUTES (Continued)

### **No. 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 drawings 07-LR-103 Rev F, 07-LR-104 Rev F, 07-LR-105 Rev F, 07-LR-106 Rev F, 07-LR-107 Rev G, 07-LR-109 Rev G and specification contained therein, submitted on 12/09/2025.

**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 unless and until tree protection/mitigation measures have been submitted to and approved in writing by the Local Planning Authority and the approved measures have been put into place. The approved measures must remain in place for the duration of construction works. The information to be submitted must include:

- a) a detailed scaled plan (to a scale and level of accuracy appropriate to the proposal) showing the position of every tree on the site, and every tree on land adjacent to the site (including street trees) that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area etc) with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres;
- b) a schedule of the trees surveyed as specified in paragraph 4.2.6 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction - Recommendations; and
- c) an arboricultural implications assessment, arboricultural method statement and tree protection plan (to include protection measures during and after construction and any construction

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Conditions**

exclusion zones) (in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction) which also includes any proposal for pruning or other preventative works.

**Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

- (4) 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

- (5) prior to the occupation of the development hereby permitted, the first-floor window serving the bathroom in the southern 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.

### **54. W/25/0695 – 249 Green Lane, Finham, Coventry**

The Committee considered an application from Simple Planning Solutions Limited for the proposed erection of two-storey rear extension and the change of use from residential (Class C3) to children's day nursery (Class E) in Coventry City Council area ref. PL/2025/0000917/FUL with associated car parking in Warwick District Council area.

The application was presented to Committee due to the number of objections received and the recommendation being for approval.

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

The officer was of the opinion that the principle of development was acceptable. No operational development was proposed to facilitate the continued use of the application site as a car park specifically in connection with the day nursery across the road (in Coventry City's boundary).

All the possible implications of the development in the context of the highway safety considerations had been fully considered by Warwickshire Highway Authority, insofar as they related to the site within Warwick's boundary and had been found to be acceptable and/or could be adequately addressed through the use of planning conditions. Any impacts on the network would be primarily for Coventry to consider and it was noted that Coventry had already resolved to grant their application for the same development having satisfied themselves that the development would not be detrimental to the network.

There would be no harm to visual or neighbouring amenity and there were no impacts on biodiversity.

Subject to the aforementioned Unilateral Undertaking to secure the parking and its retention in perpetuity, it was therefore recommended that planning permission be granted.

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

**Resolved** that W/25/0695 be **granted**, subject to the following conditions:

**No. 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 drawings A102 Rev.3 and A104 Rev.7, and specification contained therein, submitted on 12 September 2025.

**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 be occupied unless and until a footpath connection from the car park to Green Lane has been provided in accordance with approved drawing A104 Rev.7. The footpath

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Conditions**

connection shall be retained at all times thereafter.

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

- (4) the development hereby permitted shall not be occupied until 17no. car parking spaces have been demarked within the carpark showing minimum space dimensions of 2.5m x 4.8m in accordance with approved drawing A104 Rev.7. The parking spaces shall be retained at all times thereafter.

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

- (5) the development shall not be occupied until 2no. secure cycle spaces have been provided within the car park in accordance with approved drawing A104 Rev.7. The secure cycle spaces shall be retained at all times thereafter.

**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.

### **55. Appeals Report**

The Appeals Report was noted.

### **56. Enforcement Update Report**

Members thanked officers for their work on planning enforcement action.

The Enforcement Update Report was noted.

(The meeting ended at 7.55pm.)

CHAIR  
4 November 2025

**Planning Committee:** 04 November 2025

**Item Number:** 5

**Application No:** [W 25 / 0455](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

**Registration Date:** 27/03/25

**Expiry Date:** 26/06/25

**Milverton House, Court Street, Leamington Spa, CV31 2BB**

Variation of Conditions 4 and 5 of planning permission W/19/0531 (Outline application for the erection of two no. blocks of residential accommodation of up to 90 bed spaces together with undercroft parking) to allow for revisions to access, scale and layout of the approved scheme. FOR Chalice Build Ltd

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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 for the variation of conditions 4 and 5 of outline planning permission W/19/0531 to allow for revisions to access, scale and layout of the approved scheme.

**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 4 and 5 that define the parameters of development for any subsequent reserved matters application.

The current conditions are set out below;

#### Condition 4

The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 17/53/05c, and specification contained therein, submitted on 17 June 2019

#### Condition 5

The reserved matters submission shall be submitted in accordance with the general parameters as set out on drawing numbers 17/53/07D, 17/53/08D, 17/53/09D, 17/53/11C, 17/53/12D, 17/53/14A and 17/53/15A submitted on 17 September 2019.

### **THE SITE AND ITS LOCATION**

The application site comprises of two separate land parcels that lie on opposite sides of Court Street, Leamington Spa. The western parcel contains Milverton House and the eastern parcel contains Drummond House, both of which form single storey industrial buildings.

The Milverton House site backs onto residential properties on Tower Street; these neighbouring dwellings form a row of maisonettes with their rear garden areas abutting the application site boundary. Tower Street flanks the southern boundary of Milverton House, with the Waterside Medical Centre lying beyond. To the immediate north of Milverton House is a building that is being redeveloped for education and community use as part of planning permission W/23/1048. Court Street public car park lies slightly further to the north.

Drummond House is flanked to the south and east by some commercial premises. To the north, on the opposite side of Cumming Street, is a modern residential block.

The application site lies within the Town Centre Boundary of Leamington Spa and forms part of Housing Allocation H16 (as identified on the Local Plan Policies Map).

The site is not within a Conservation Area, but is in close proximity to the boundaries of the Royal Leamington Spa Conservation Area and Canal Conservation Area.

### **PLANNING HISTORY**

**W/19/0531** - Outline application for the erection of two no. blocks of residential accommodation of up to 90 bed spaces together with undercroft parking – **GRANTED 07.12.2022.**

**W/24/1134** - Approval of Reserved Matters (Appearance and Landscaping) pursuant to outline planning permission ref: W/19/0531 for the erection of 2no. blocks

### **RELEVANT POLICIES**

- National Planning Policy Framework
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS2 - Housing Design
- RLS3 - Conservation Area
- PC0 - Prosperous Communities
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- RLS4 - Housing Character Outside the Conservation Areas
- TC1 - Protecting and Enhancing the Town Centres
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Canal Conservation Area DPD
- Creative Quarter "Big Picture" Document

### **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Object on the following grounds;

- Scale, massing and height and potential for overlooking would have a negative effect on the residents of Tower St and constitutes over-development.
- Does not meet RLS1(4) that supports development of Court Street for community-led housing and live/work units to support Creative Quarter aspirations.
- Does not meet RLS5(a) that seeks a mix of homes and specifically to support affordable owner-occupation in South Leamington.
- Support objection of WCC Landscape Officer.

**WDC Conservation Officer:** Comments as per RM submission - do not support this proposal.

- Original outline set parameters in terms of height, scale and footprint.
- Variation seeks to enlarge the buildings that we originally raised concerns over.
- Proposal would create a dominant and overwhelming presence resulting in harm to both the Leamington Spa and Canal Conservation Areas.
- Design approach is not supported as per previous comments.

**WDC Environmental Protection Officer:** No objection to amended details. Still have concerns over the impact from railway and nearby industrial units.

**WCC Ecology:** No representations on this application.

**WCC Highways:** No objection. Recommend informative notes.

**WCC Landscape Officer: Make the following comments;**

- Alterations propose larger footprint and less room for roof garden.
- Reduced space for delivery of landscaping and any landscaping would be limited due to scale of building.
- Milverton House has much reduced outdoor amenity space.
- Would be improved if communal garden added to first floor.
- Will living walls still be used.
- Would seek some landscaping to roof gardens.
- Concerns of overlooking and overshadowing still apply.
- Drummond House plan does not indicate roof garden.

**Public Response:** A total of 59 Objections received, 29 on original plans and 30 on revised plans, making the following comments;

#### Original plans submission

- No measures in place to effectively mitigate in perpetuity noise disturbance from long established business.
- Lacks attention to good acoustic design.
- 78 flats is over-development and many below space standards.
- Exceeds Local Plan allocation.
- Accommodation unsuitable for students.
- No accessible accommodation for people with disabilities.
- Cycle parking facilities inadequate.
- Not fully addressed inadequacy of bin storage.

- Increased height and footprint will further dominate surroundings.
- Communal terraces could invade on privacy of other units.
- Landscaping issues ignored.
- Lack of reference to on-site management and maintenance.
- Lack of clarity over who properties are for.
- Agree with comments of Landscape Officer.
- Parking already limited and will be worse with this development.

### Revised submission

- Revised details lack detail and are difficult to understand.
- No issues have been addressed with revised submission.
- Do not demonstrate how landscaping will be incorporated.
- Previous concerns over impact on properties on Tower St still remain.
- Show larger footprint than previous scheme and a reduction in natural environment.
- Will result in the loss of Action 21 premises which is an important local charity based project.
- Proposal will not support ongoing regeneration aspirations for the area.
- No local benefits from proposed development.
- Increased traffic and pollution.
- No need for additional student accommodation.
- Area cannot cope with additional residents.

## **ASSESSMENT**

### **History/Background**

Outline Planning Permission was granted on 7 December 2022 for the erection of two no. blocks of residential accommodation of up to 90 bed spaces together with undercroft parking.

Following this decision, a reserved matters approval was submitted in pursuance of the outline permission under application reference W/24/1134. Following assessment by the case officer, the Reserved Matters was refused for the following reasons;

1. Plans conflict with outline parameters.
2. Failure to provide high standard of design.
3. Failure to provide acceptable living conditions for future occupants.
4. Inadequate cycle parking and bin storage arrangements.

This application is seeking a variation to Condition 4 of the outline planning permission in order to seek revisions to the parameters to address the concerns raised within the previously refused reserved matters.

During the course of consideration, the scheme has been amended to better reflect the previously approved parameters with some minor changes to the scheme including provision of revised access points, which were also set on the previous outline.

The scheme is an outline application with some matters reserved. The matters being assessed as part of this proposal are access, layout and scale.

Matters relating to appearance and landscaping are reserved for later consideration under a separate reserved matters application.

### **Principle of Development**

Paragraph 38 of the National Planning Policy Framework (NPPF) states that Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Outline Planning Permission W/19/0531 is a current permission with a timescale for submission of Reserved Matters of 7 December 2025. Therefore, the principle of residential development on this site has been established and cannot be revisited as part of this submission.

Consideration of the current application can only include issues related to the changes to the requested conditions. Whilst a Section 73 application issues a new planning permission for the development (if approved), it cannot revisit the principle of development of an extant planning permission, nor can it revisit matters that do not form part of the submission.

### Five Year Housing Land Supply

The latest 5 Year Housing Land Supply states that Warwick District Council has a 2.34 Year Housing Land Supply.

When a LPA is unable to demonstrate a five-year supply of housing land, all of its policies for delivering housing are deemed to be out of date. The NPPF states that planning applications should instead be decided based on the presumption in favour of sustainable development contained within Paragraph 11(d) of the NPPF, known as the 'tilted balance'.

This states that for decision making:

Where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

In weighing up this scheme, it is noted that the principle of development has already been established for this site through the grant of outline planning permission meaning that the site has an existing permission for residential development.

In considering the current application, Officers are mindful of the need to deliver new housing in order to improve the supply position. In this case, Officers are satisfied that there are no matters which would significantly or demonstrably outweigh the benefits of allowing a revision to the parameters of the scheme to support the 5-year housing land supply on sites that are already allocated within the Local Plan.

### **Design and impact on visual amenity and the character of surrounding area**

Section 12 of 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.

Policy BE1 of the Local Plan 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.

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 site is submitted in outline form only. The previously approved parameters plans provided an indicative design for the purposes of layout and scale demonstrating that the proposed blocks could be constructed in a contemporary design using render and coloured panels to provide a vibrant scheme that would be seen to complement the proposed Creative Quarter by providing a scheme that removes the existing utilitarian buildings and provides a more innovative approach to architecture within the local area.

The revised parameters plans submitted are more indicative in nature and seek to merely set overall scale parameters without details demonstrating any design or potential finishes which would be assessed at reserved matters stage.

The scheme does retain the provision of undercroft parking to provide an off-street solution to the existing area that is already constrained. The use of an undercroft

would also remove cars associated with the development from view, leading to an improved aesthetic for the area that is currently heavily dominated by on-street parking.

The local area has a mix of scale of buildings from single to 4 storey buildings which are also constructed in a number of differing styles. The proposal as shown on the indicative drawings seeks the provision of a four storey building to be located on each site with the building located on the site of Milverton House stepped down to single storey to omit the bulk and mass from having a detrimental impact on the character and setting of the properties on Tower Street.

Overall, Officers are satisfied that the revised parameters submitted are acceptable compared to the approved plans and present an ideal opportunity to provide a contemporary residential development at an appropriate scale within the allocation that, subject to negotiations on design at reserved matter state, would enhance the character and appearance of the area to create a development that reflects the Creative Quarter in design terms.

### **Impact on character of the adjacent Conservation Areas**

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

Whilst not within either the Royal Leamington Spa Conservation Area or Canal Conservation Area, the site is in close proximity to both.

The proposal seeks the provision of residential accommodation on an allocated site. It is noted that the scheme is outline only and so would be subject to a later application for reserved matters to confirm the final appearance of the scheme.

As this is outline only, the assessment is based upon the general principle of the development and an assessment of the layout and scale. The development has already been assessed as acceptable in principle.

The submitted parameters plans provided a basic framework for any future proposal. As per the previous outline submission, concern has been raised from the Conservation Officer regarding the indicative drawings and how they would potentially sit with the character of the adjacent Conservation Areas.

Officers have noted this concern but clearly acknowledge that the plans are indicative only and whilst the general scale and layout is being considered, the final appearance of the scheme would be subject to a later reserved matters

submission. This would be subject to negotiation in order to provide a suitable scheme that respects the character of the Conservation Areas.

At this stage, the principle of development is considered acceptable and the layout and scale of the proposed building would not cause harm to the Conservation Areas. Further work on this element would be carried out at reserved matters stage. The form of development can be guided through planning conditions to secure appropriate materials and detailing together with robust landscaping to provide an acceptable form of development.

### **Impact on adjacent properties**

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The site of Milverton House lies in close proximity to the rear of properties fronting onto Tower Street to the west of the site.

The refused reserved matters submission was considered to have an overlooking and overbearing impact on the properties on Tower Street. The revised parameters would result in a development that is not as large in scale as those reserved matters details and has reverted to a scale more akin to the original outline parameters. In terms of the impacts cited, it is noted that this would be assessed at reserved matters stage where the final design will be considered

Officers consider that the impact would be acceptable as a result of the revised parameters. Consideration would still be made at reserved matters stage once a revised scheme has been submitted, however, in terms of scale, the proposed revised parameters plan is considered acceptable.

The site of Drummond House has the new development at 7 Court Street to the immediate north on the opposite side of Cumming Street. This building has a number of windows facing the proposed development. The separation distance between the new property and the existing development is approximately 11 metres across a public highway where the general guidance is to seek 15 metres in this situation.

The revised parameters plans have been revised to be similar in scale to the existing. The final proposal would be assessed at Reserved Matters stage and Officers consider that subject to an appropriate final design, the proposal would not result in any significant demonstrable harm to the amenity of the property at 7 Court Street.

Officers are satisfied that the revised parameters plans would allow for the delivery of an appropriate scheme that will protect the amenity of neighbouring properties. This would be subject to negotiations at reserved matters stage where a full assessment would be made of the final detailed proposals.

Overall, Officers are satisfied that subject to an acceptable scheme being delivered at reserved matters stage, the scheme would not have a detrimental impact on the amenity of nearby residents.

## **Amenity of future occupiers**

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

One area of concern that arose on the previous outline was the ongoing commercial activity to the rear of the site from the units located on Cumming Street in terms of the use of a compressor. The applicants engaged with the owners of the adjacent site and agreement was put in place to provide a solution to this by replacing the compressor with a new model to the satisfaction of the Environmental Health Officer.

As the site to the rear did not fall within the control of the applicant, the requirement was secured within the Section 106 Agreement that required the details of the new compressor and any associated maintenance to be agreed to the satisfaction of the Environmental Health Officer.

In addition, a condition was imposed requiring a range of details to be submitted for the reduction of noise for future occupiers. This is generally related to high levels of insulation, moving primary room windows away from the rear elevation of Drummond House together with high specification glazing to further limit potential noise ingress. With this range of measures, Officers are satisfied that the living conditions of future residents would be acceptable.

Officers acknowledge that the submitted reserved matters scheme was refused on the grounds of the impact on future occupiers. Any future reserved matters would need to address this reason for refusal and demonstrate that the revised scheme overcomes these issues.

As this is an outline proposal, no detailed plans are being assessed at this stage. However, Officers are satisfied that subject to an assessment of the final design, the scheme can provide appropriate living conditions for future occupiers in terms of outlook.

Subject to the required conditions, Officers are satisfied that the scheme is acceptable.

## **Highway Safety**

Policy TR1 of the Warwick District Local Plan requires all developments 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.

The approved proposal was the subject of negotiations between Warwickshire County Highways and the applicant's highways consultant which culminated in the submission of a detailed transport assessment and survey work to demonstrate that the proposed scheme would be acceptable in highway safety terms. This was

assessed by the County Highways Officer who was satisfied that the scheme would not be detrimental to highway safety.

The scheme remains as indicatively proposed indicating an undercroft parking solution across the two buildings for a total of 53 spaces together with secure cycle parking facilities.

As previously identified, the final breakdown of properties is not known at this stage, the overall parking requirement cannot be assessed. However, the site lies in close proximity to the facilities of Leamington Spa town centre which allows for day to day living without a reliance on the private car, and therefore, the provision of 53 off-street parking spaces in this location is considered of significant benefit for the scheme.

Secure cycle parking is also proposed for the scheme to provide a realistic option for sustainable transport to and from the site.

The key difference with this proposal is the revision of the proposed access point to the car parking that was set within the previous parameters. Following consideration, the County Highways Officer has confirmed that there is no objection to a revision to the access location.

The proposal is therefore considered acceptable having regard to Policies TR1 and TR3 of the Local Plan.

### **Impact on Ecology/Protected Species**

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The proposal was previously assessed by the County Ecologist who noted that the development involves the demolition of two buildings that having been assessed, appear to be suitable for bats. The Ecologist noted that the surrounding area is not particularly well connected to the canal or other suitable foraging habitats and has therefore concluded that it is not likely that bats are present. Notwithstanding this assessment, conditions were recommended to ensure that any protected species are adequately mitigated for.

The development represents an opportunity to enhance a site of low ecological value through landscaping which is beneficial to wildlife, and through providing opportunities for wildlife such as bat bricks integrated into the new buildings at a suitable location. A condition for a Combined Ecological and Landscaping Scheme has been requested to achieve that aim.

Officers therefore consider that subject to the inclusion of the requested condition, the proposal is acceptable having regard to Policy NE3.

### **Drainage**

In terms of foul sewage and surface water drainage, this remains as per the approved scheme insofar as it is indicated that the dwellings are proposed to connect to the mains sewers in the local area.

The scheme would be subject to separate approvals with Severn Trent directly and a condition previously imposed to secure details of the drainage to be submitted and approved is to be carried forwards.

Likewise, surface water treatment is to be secured by an appropriately worded condition.

### **Impact on local services**

The proposed development of up to 90 bed spaces would create additional demand for local services and to mitigate this, contributions towards community facilities would be required.

The previous application was subject to a Section 106 Agreement to secure funding for local infrastructure and this would be retained as part of this submission.

### **Other Matters**

#### Trees/Hedgerows

The site currently has no tree or hedgerow planting. As part of the proposed scheme, soft landscaping would be provided to enhance the green characteristics of the site. This is considered a positive enhancement to the existing character of the area. The exact landscaping details will be secured at reserved matters stage.

### **Previously Imposed Conditions**

Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice must replicate all previous conditions which are still relevant.

Where pre-commencement conditions have been discharged, these will be updated to reflect the submitted details accordingly.

It is noted that all pre-commencement conditions were discharged prior to Bellway acquiring the site. As a result some conditions are currently being re-discharged to reflect the Bellway product and site layout. Where these pre-commencement conditions are still awaiting formal discharge, these will be carried forward as originally drafted.

All compliance conditions will be carried forward from the previous decision.

### **Conclusion**

The site is allocated for residential development within the Warwick District Local Plan for up to 75 residential units. The scheme is considered to accord with the allocation.

The revised parameters are considered to be acceptable and the proposal is therefore recommended for approval.

Site specific matters can be controlled by appropriate conditions and the detailed scheme will be assessed through the submission of reserved matters.

## **CONDITIONS**

### **1 Reserved Matters**

Details of the appearance and landscaping of the development (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 strict accordance with these reserved matters as approved.

**REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

### **2 Submission of Reserved Matters Timescale**

Application for approval of the reserved matters shall be made to the local planning authority not later than three years 7 December 2021 (the date of the original outline permission)

**REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

### **3 Commencement of Development**

The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.

**REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

### **4 Approved Plans**

The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 23-66-S78-02 insofar as it relates to the red line boundary and points of access, and specification contained therein, submitted on 27 March 2025.

**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.

## 5 **Parameters Plans**

The reserved matters submission shall be submitted in accordance with the general parameters as set out on drawing number 23-66-PL33A submitted on 9 September 2025 and drawing number 23-66-PL32B submitted on 10 October 2025.

**REASON :** For the avoidance of doubt and to define the scale and form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

## 6 **Ecological and Landscaping Scheme**

No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the Local Planning Authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of tree/shrub species planting. The agreed scheme to be fully implemented before/during development of the site as appropriate.

**REASON:** To protect and enhance the ecological quality of the site in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

## 7 **Submission of drainage details**

No development shall commence unless and until a detailed surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The details shall include;

- Provide hydraulic modelling calculations should confirm the proposed impermeable area used.
- Demonstrate how the proposed discharge rates identified in the calculations were calculated. A minimum of 50% betterment on the existing brownfield rate should be provided.
- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

Thereafter, the development shall be carried out in strict accordance with the approved details.

**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.

## 8 **Noise Mitigation**

The development hereby permitted shall not commence unless and until details of sound proofing have been submitted to and approved in writing by the local planning authority and the development has 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.

## 9 **Submission of Drainage Details**

No development shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

**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.

## 10 **Construction Management Plan**

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. 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.

## 11 **Low Emission Strategy**

No phase of the development shall commence unless and until a Low Emission Strategy for that phase has been submitted to and approved in

writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

**REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policies NE5 and TR1 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2019.

## 12 **Details of External Lighting**

Prior to the commencement of the development, full details of all permanent lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. This should follow the Institute of Lighting Professionals' Guidance Note 01/20: Guidance notes for the reduction of obtrusive light. The lighting shall be installed according to an approved plan which will need to be submitted by the applicant. The lighting should be maintained in perpetuity. Such works, and use of that lighting and/or illumination, shall be carried out and operated only in strict accordance with those approved details.

**REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029

## 13 **Sustainability Statement**

Notwithstanding details contained within the approved documents, prior to commencement of development, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) 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,

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).

#### 14 **Samples of Materials**

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.

#### 15 **Site Levels/Finished Floor Levels**

No development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with adjacent phases 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 or any subsequently approved amendments.

**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 amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

#### 16 **Landscape Replacement Planting**

Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, within the first planting season following the first occupation of the development. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be 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.

## 17 **Water Efficiency**

Notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures 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 the any relevant manufacturer’s specifications.

**REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District Local Plan 2011-2029.

## 18 **Use Class Restriction**

The development hereby permitted shall be used solely for purposes falling within the C3 Use Class only and shall not be used at any time for purposes falling within the C4 Use Class (Small Houses in Multiple Occupation) or for use as Purpose Built Student Accommodation.

**REASON:** To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029.

## 19 **Occupancy Restriction**

No unit hereby permitted shall be occupied solely by persons enrolled in a full time course of further or higher education.

**REASON:** To ensure a satisfactory form of development and to ensure compliance with Warwick District Local Plan (2011-2029) Policy H6 (Houses in Multiple Occupation and Student Accommodation).

## 20 **Building For Life Construction Statement**

No development above slab level shall commence until a Construction Statement demonstrating how the design of the buildings will achieve Building For Life Standards and how this standards will be implemented within the construction of the building.

**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).

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**Application No:** [W 25 / 1214](#)

**Town/Parish Council:** Whitnash  
**Case Officer:** Dan Charles

**Registration Date:** 04/09/25  
**Expiry Date:** 04/12/25

01926 456527 dan.charles@warwickdc.gov.uk

**Land On The South Side Of, Chesterton Drive, Leamington Spa**

Variation of Conditions 30 (Site Access Provision) and 31 (Traffic Management Scheme) of outline planning permission W/20/0617 (outline application for up to 200 dwellings with all matters reserved apart from access) to amend the triggers relating to the delivery of the completed site access and traffic management scheme. FOR Bellway Homes Limited

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

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission for the variation of conditions 30 and 31 of outline planning permission W/20/0617 to vary the timescale for completion of the proposed access and traffic management features and to allow revisions to the final list of conditions.

**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 any revised/new conditions meeting the requirements of 'Use of Planning Conditions'

In deciding an application under Section 73, the Local Planning Authority must only consider the disputed conditions the subject of the application – it is not a complete re-consideration of the application. In this case the applicant is seeking a variation to the wording of a condition through the use of a Section 73 application.

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 30 and 31 that relates to the timescale for the delivery of the final access layout (C30) and the delivery of the traffic management features (C31).

The current conditions are set out below;

#### Condition 30

Prior to first occupation of the first dwelling in the development, the site access shall be delivered in general accordance with drawing 20376-01 Rev E.

#### Condition 31

Prior to first occupation of the first dwelling in the development, the proposed Traffic Management Scheme shall be delivered in general accordance with drawing 20376-02A.

The proposed wording for the conditions requested by the applicant is;

#### Condition 30

Prior to first occupation of the first dwelling in the development, a temporary site access shall be delivered in general accordance with drawing 890956-RSK-ZZ-XX-DR-C-8051-P02. The permanent site access shall be delivered in general accordance with drawing 20376-01 Rev E prior to occupation of the final dwelling in the development.

#### Condition 31

Prior to occupation of the final dwelling in the development, the proposed Traffic Management Scheme shall be delivered in general accordance with drawing 20376-02A on W/20/0617

The proposed conditions seek to amend the trigger point of the condition from prior to first occupation to prior to final occupation. The reasoning behind these amendments is;

- to ensure that a suitable temporary access for construction vehicles is available
- to prevent the need for significant re-construction works to the permanent access works proposed
- to prevent the need for significant re-construction works to the traffic calming scheme

There is no change to the quantum of development, nor are there any material changes to the wider layout.

In practical terms, the proposals mean that on site throughout the development construction, the site will be served by a two-way junction at the main access point allowing free flow of traffic during construction of the development.

Thereafter, the access point will be upgraded to be in accordance with the access drawing previously approved which provides for a priority junction for vehicles exiting the site.

In terms of the traffic management features on the approach, there are a number of features proposed such as the installation of block paved areas that are likely to be damaged by heavy goods vehicles servicing the site. In order to minimise the potential for damage, it is also proposed to require these features after the site has been constructed.

### **THE SITE AND ITS LOCATION**

The application site is currently agricultural land to the south of the new development known as Emperor Boulevard. Site works have now commenced in pursuance of the approved scheme.

The site abuts the new dwellings to the north but is separated by a public bridleway that runs along the entire site boundary. This bridleway also forms an agricultural access track serving properties to the east of the site.

The eastern side of the site abuts open land and part of this area falls within Flood Zones 2 and 3 comprising the flood plain of Whitnash Brook.

To the south lies open agricultural land which also forms part of the wider housing allocation H03.

The western boundary flanks the railway line that runs the length of the boundary. Beyond the railway line lies residential development.

The northern and western boundaries of the site are defined with mature hedgerows. To the east, the boundary is a combination of hedgerows and trees.

The site slopes from northwest to southeast which is fairly regular across the site.

As explained below, the site forms parts of the strategic Local Plan allocation H03 and as such is an important aspect of the Council's housing delivery strategy. That strategy supports the ongoing provision of a 5-year housing land supply which itself is crucial in continuing to enable the Council to retain control of the pattern of housing development across the district.

### **PLANNING HISTORY**

**W/20/0617:** Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space. (all

matters reserved apart from access): **REFUSED 12.02.2021. APPEAL ALLOWED 20.08.2021.**

W/21/0590: Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space: **REFUSED 28.05.2021.**

**W/22/0232:** Application for approval of Reserved Matters for residential development of 200 dwellings relating to appearance, landscaping, layout and scale in pursuance of outline planning permission W/20/0617 – **WITHDRAWN 08.06.2023.**

**W/23/1746:** Outline planning application for a residential development of up to 190 dwellings with associated access, landscaping and public open space – **NON-DETERMINATION APPEAL ALLOWED 10.03.2025.**

**W/23/1766:** Reserved Matters application for a residential development of 185 dwellings with associated access, landscaping and public open space pursuant to outline planning permission W/20/0617 – **GRANTED 31.10.2024.**

**W/25/0778:** Application for Variation of Condition 1 (Approved Plans) of planning permission W/23/1766 (*reserved matters application for 185 dwellings*) to allow amendments to house types and minor plot alterations to facilitate changes. (No changes proposed to layout, open space or quantum of development) – **GRANTED 04.08.2025.**

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### Whitnash Neighbourhood Plan (2011-2029)

- W4 - Building Design Principles
- W6 - Protection and Enhancement of Whitnash Brook and Brook Valley
- W9 - Landscape Design Principles
- W10 - Improving Accessibility for All
- W11 - Housing Mix
- W14 - Sustainable Design
- W15 - Flood Resistance and Resilience
- W16 - Design to Reduce Surface Water Run Off
- W17 - Reducing Flood Risk through Landscaping

#### Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS10 - Broad Location of Allocated Sites for Housing

- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- DS11 - Allocated Housing Sites
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- 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
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- 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

- Parking Standards (Supplementary Planning Document- June 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Distance Separation (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Affordable Housing (Supplementary Planning Document - July 2020)

### **SUMMARY OF REPRESENTATIONS**

**Whitnash Town Council:** Neutral.

**Royal Leamington Spa Town Council:** Object to the variation of conditions 30 and 31 due to the impact on the highways element of the scheme.

**WCC Highways:** No objection - The reasoning behind these amendments is to provide a suitable temporary access for construction vehicles and to prevent the need for significant re-construction works to the permanent works proposed at both the site access and to the traffic calming scheme on the existing highway.

It is clear that the developer is not attempting to renege on the provision of the works previously conditioned by the Planning Inspector, merely seeking to provide them at a more appropriate time following the completion of the majority of development.

Therefore, having undertaken a full assessment of the above planning application, it is considered that the proposal will have no adverse impact on the local highway network

**Public Response:** A total of 17 objections received making the following observations;

- No need for new houses.
- Only one access is insufficient.
- Delaying access and traffic management would mean large volumes of traffic using substandard arrangement.
- Will remove approved mitigation measures until last property occupied and will be harmful to safety of all users.
- Will do nothing to block traffic turning onto bridleway.
- Increased traffic in already busy area.
- Lack of transport infrastructure.
- Can local schools meet additional demand.
- GP services already limited.
- Harm to ecological features.
- Noise impact on local residents.
- Works implemented before discharging conditions.

**Officer Note:** The comments regarding the general principles of the development are not material considerations in the consideration of this application. Whilst a Section 73 application issues a new planning permission, the consideration of such an application is solely limited to the conditions that are being amended and the issues raised beyond this do not form part of the assessment.

## **ASSESSMENT**

### **History/Background**

Outline planning permission was allowed on appeal for up to 200 dwellings on this site. Following the appeal being allowed, a submission for reserved matters pursuant to the outline planning permission was submitted under application reference W/22/0232.

Application W/22/0232 was referred to Planning Committee on 13 December 2022 where Members resolved to grant approval in accordance with Officer's recommendation. This application was subject to a holding direction by the Government Office.

Notification was received on 11 May 2023 that the application was to be called in for consideration. Following consideration of this, the applicants chose to withdraw the application, and this was received on 30 May 2023.

Subsequent to the above, the applicants submitted a new outline planning application (reference W/23/1746) for up to 190 dwellings on the site with all matters reserved except for access as well as a new reserved matters submission (reference W/23/1766) pursuant to the original outline planning permission.

Application W/23/1746 was presented to Planning Committee on 16 April 2024 where Members resolved to grant outline planning permission, subject to the signing of a Section 106 Agreement.

During the processing of the Section 106 Agreement, the Ministry of Housing, Communities & Local Government issued a holding direction on 30 May 2024 to the Local Planning Authority to not issue a decision until they had determined whether they wished to call in the application. Due to the pre-election protocol, the holding direction advised that no consideration could take place until after the general election on 4 July 2024.

Despite having a resolution to grant, the applicants exercised their right of appeal against non-determination which resulted in an appeal hearing. The MHCLG confirmed that the appeal hearing would satisfy their consideration of the case and would thereafter not be required to be called in. The appeal was heard on 27 November 2024, and the appeal was allowed on 10 March 2025.

During the above, the revised reserved matters submission was also subject to a holding direction issued on 5 July 2024. Thereafter, a non-intervention letter was received from MHLGC on 26 July advising that the application could be determined by the LPA.

Application W/23/1766 thereafter was presented to Planning Committee on 7 October 2024 and Members resolved to approve the reserved matters submission. On the 9 October 2024, a new holding direction was received from the MHCLG preventing the LPA from determining the application. Following an additional period of consideration, the MHCLG issued a non-intervention letter on 31 October 2024 advising that the application could be determined by the LPA. The decision was then issued on the same day.

Thereafter, the site was acquired by the current applicants, Bellway Homes and W/25/0778 was submitted to vary the approved plans of W/23/1766 to make revisions to the house types to reflect the Bellway range of properties, together with some minor alterations within the site to facilitate these changes.

With the current application, there are no proposed changes to the scale/ quantum of development or any other matters such as layout, highways, open space, drainage etc as a result of this proposal. The changes sought are purely to the points at which the access works and traffic management scheme are required to be delivered.

### **Principle of Development**

Paragraph 38 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

A valid outline planning permission was granted (at appeal) and a subsequent reserved matters was approved for the provision of 185 dwellings on the site. These permissions are being implemented and site works have been commenced.

Consideration of the current application can only include issues related to the revised condition triggers of the access and traffic management conditions. Whilst a Section 73 application issues a new planning permission for the development (if approved), it cannot revisit the principle of development of an extant and implemented planning permission, nor can it revisit matters that do not form part of the submission.

### Five Year Housing Land Supply

The latest 5 Year Housing Land Supply states that Warwick District Council has a 2.34 Year Housing Land Supply.

When a LPA is unable to demonstrate a five-year supply of housing land, all of its policies for delivering housing are deemed to be out of date. The NPPF states that planning applications should instead be decided based on the presumption in favour of sustainable development contained within Paragraph 11(d) of the NPPF, known as the 'tilted balance'.

This states that for decision making:

Where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

In weighing up this scheme, it is noted that the principle of development has already been established for this site through the grant of outline planning permission and a subsequent reserved matters approval meaning that the site has an existing and extant permission for 185 dwellings.

In considering the current application, Officers are mindful of the need to deliver new housing in order to improve the supply position. In this case, Officers are satisfied that there are no matters included within this proposal which would significantly or demonstrably outweigh the benefits of delivering housing on this site to support the 5-year housing land supply on sites that are already allocated within the Local Plan.

### **Highway Safety**

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.

Section 9 of the NPPF seeks to promote sustainable transport and sets out a range of requirements for new development to ensure that impacts on existing transport networks can be addressed and that opportunities for the promotion of walking, cycling and public transport use are identified and pursued.

Within Section 9, Paragraph 114 of the NPPF states that in assessing applications for development it should be demonstrated that safe and suitable access to the site can be achieved for all users and impact on the highway network or highway safety can be cost effectively mitigated to an acceptable degree.

Additionally, Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The primary access to the site is from Brimstone End and the detail of the access point was approved at the outline stage and this layout remains unchanged.

This proposal does not seek to change or remove the design of the access point, and this will remain as approved under the original outline planning permission.

The result of the condition revision would mean that the development would be served by a two way junction at the main access point during the construction phase, allowing free flow of traffic as the development is being built out.

Thereafter, the access point will be upgraded to be in accordance with the access drawing previously approved which provides for a priority junction for vehicles exiting the site.

The traffic management features on the approach to the site would be installed after the majority of construction has been completed to minimise the potential for damage by heavy goods vehicles servicing the site.

The revised conditions would still require these features to be provided.

The changes requested seek to provide the permanent access fully in accordance with the approved access prior to the occupation of the final dwelling. In addition, the provision of the traffic management scheme is also proposed to be revised to also be provided prior to the occupation of the final dwelling.

The reasoning behind these amendments is to provide a suitable temporary version of the access for construction vehicles and residents which are not impeded by traffic calming measures - which are proposed in this application to be added upon the completion of the development and to prevent the need for significant re-construction works to the permanent works proposed at both the site access and to the traffic calming scheme on the existing highway.

It is clear that the developer is not attempting to renege on the provision of the works previously conditioned by the Planning Inspector, merely seeking to provide them at a more appropriate time following the completion of the majority of development.

The County Highways Officer has undertaken a full assessment of the above planning application and has determined that the proposal will have no adverse impact on the local highway network or upon highway safety within the development. This is because the resultant scheme will remain unchanged, and the final access and traffic management features will need to be installed in accordance with the approved details.

Having considered the proposals, Officers reiterate that the final access point and traffic calming scheme will remain as approved at outline stage by the planning inspector and only the stage of delivery of the access will change. This will ensure that the scheme once completed operates as per the previous approval.

On the basis of the above, the proposal is considered to be acceptable having regard to Policies TR1 and TR3 of the Local Plan.

### **Design and impact on visual amenity and the character of surrounding area**

Section 12 of the NPPF places significant emphasis on the creation of high quality, sustainable buildings and places. Paragraph 131 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 139 states that permission should be refused for development that is not well designed and that fails to take into account local design guidance and supplementary planning documents. This paragraph also states that significant weight should be given to development which reflects local design guidance and

policies and government guidance on design and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Policy BE1 of the Warwick District Local Plan 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.

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.

Whitnash Neighbourhood Plan Policy W4 refers to building design principles and seeks to encourage developments to enhance and reinforce the distinctiveness of the Parish in terms of scale, mass and form. The policy also seeks that new developments follow a consistent design approach to the use of materials.

There are no proposed changes to the design and layout of the scheme and this would remain as previously approved. The development would remain an appropriate form of development in visual terms and would not give rise to any harm to the general character of the area as a result of the condition variations.

The proposal is considered to conform with National Guidance set out within the NPPF together with Policy BE1 of the Warwick District Local Plan and additional guidance set out within the Garden Suburbs design document, the Residential Design Guide SPD and the Whitnash Neighbourhood Plan.

### **Impact on residential amenity**

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and provides an acceptable level of amenity for future occupiers of the development.

The site access remains as approved at outline stage and the overall layout of the site remains as approved by planning permission W/23/1766 and the subsequent amendments to the plots approved under W/25/0778. There are no changes as a result of this proposal.

The provision of the final access design and traffic management measures will allow for larger vehicles to service the site more efficiently by minimising potential delays that may arise at the access point that require vehicles to give way at the access point as proposed by the final design. This would prevent the need for vehicles to wait within Brimstone End which could result in harm to amenity. By

requiring the access to be completed at the final occupation, the access will allow a free flow of traffic to minimise any impact.

The revisions to the conditions are therefore considered acceptable having regard to Policy BE3 of the Local Plan.

### **Impact on Protected Species and Biodiversity**

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

Paragraph 186 of the NPPF States that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The changes to the conditions proposed would not affect protected species or the overall Biodiversity value of the site as the final site layout will be delivered in accordance with the previously approved details.

The proposal is therefore considered acceptable having regard to Policy NE3 of the Local Plan.

### **Previously Imposed Conditions**

Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice must replicate all previous conditions which are still relevant.

Where pre-commencement conditions have been discharged, these will be updated to reflect the submitted details accordingly.

It is noted that all pre-commencement conditions were previously discharged prior to Bellway acquiring the site. As a result, some conditions are currently being re-discharged to reflect the Bellway product and site layout. Where these pre-commencement conditions are still awaiting formal discharge, these will be carried forward as originally drafted for the avoidance of doubt. Conditions will be updated in due course as they are formally discharged.

Members are requested to delegate authority to Officers as part of the recommendation of the scheme to produce the final conditions where these have been discharged since the completion of the report.

All compliance conditions will be carried forward from the previous decision.

### **Conclusion**

Officers consider the revised conditions would not undermine their purpose nor dilute or diminish the access point or wider highway safety measures secured at outline stage. The revised conditions will secure the improvements at a more appropriate time, prior to which there are considered to be no highway safety implications.

The proposal has no demonstrable impact in terms of neighbour amenity, highway safety or ecology and as such it is considered the scheme therefore complies with the policies listed.

Accordingly, Officers recommend that the variation of conditions of the previously approved reserved matters is granted.

## **CONDITIONS**

- 1 Details of the appearance, landscaping, layout and scale of the development (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 strict accordance with these reserved matters as approved.

**Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from 12.08.2021 (the date of the outline permission).

**Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the details shown on the following plans:

- Location Plan AAH5485/18 Rev. A
- Land Use Parameters Plan Phase 1 AAH5485-14 Rev. B
- Access Drawing 20376-01 Rev E.

**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.

- 4 The development hereby approved shall be carried out in general accordance with the details shown on the additional plans and documents:

- Illustrative Masterplan Phase 1 AAH5485/13 Rev. B
- Illustrative Parameters Plan Phase 1 and 2 AAH5485/17 Rev. B
- Layout and Design Statement Rev B – RPS April 2020

**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.

- 5 Prior to the commencement of development, a strategy for the phasing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The phasing strategy shall define: (a) the development to be delivered within each phase of the development; (b) indicative timescales; and (c) details of the coordination of housing and infrastructure delivery, including triggers for delivery of infrastructure and the arrangements to prevent interruption of delivery across phase and phase boundaries to include the provision of the spine road, accesses, public open space including SUDS, allotment provision, and acoustic screening of the development. Thereafter, the development shall be carried out in strict accordance with the phases established in the phasing strategy as approved by the Local Planning Authority.

**Reason:**

- 6 The development hereby permitted shall not commence on any phase of development until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for that phase of development. The CEMP shall be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition, the Local Planning Authority expect to see details concerning pre-commencement checks and monitoring for protected and notable species, and habitats as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife that are to be employed whilst works are taking place on site should be included. The CEMP shall include a timetable for the implementation of measures stated. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

**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 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

- 7 No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of planting and maintenance of all new planting. Details of species used, and sourcing of plants should be included. The plan shall also include details of tree and hedgerow retention; habitat enhancement/creation measures and management, such as ponds, wildflower grasslands; and the

provision of habitat for protected species. The LEMP shall also include details on soil management to make best use of the high quality soils on site - detailed guidance to inform this matter is available in Defra 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'. Such approved measures shall thereafter be implemented in full.

**Reason:** To ensure a net biodiversity gain in accordance with NPPF.

8 Prior to the submission of reserved matters, a scheme for the protection of the Local Wildlife Site shall be submitted to and approved in writing by the Local Planning Authority. The Local Wildlife Protection scheme shall include:

- Adequate measures to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Sites during development.
- Details of an appropriate barrier(s), such as a wire fence, to be erected before works start.

This area should include a sufficient buffer zone between the development/associated works and the boundary of the Local Wildlife Site. Thereafter, the approved protection scheme shall be implemented in full prior to any construction works on site and shall remain for the duration of the development.

**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 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

9 No development shall commence unless and until a scheme ("the scheme") to ensure that there is a net biodiversity gain as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include:

- (a) Proposals for on-site mitigation (full details of which will be provided in relation to each phase of development in accordance with Condition 6 of these conditions)
- (b) A management and monitoring plan.

The scheme shall be implemented in full accordance with the requirements of the scheme.

**Reason: Reason:** To secure an appropriate net gain in Biodiversity within the development, in accordance with the National Planning Policy Framework (NPPF) and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

10 No development shall commence on site until a Construction Method Statement, which shall include the following:

- (a) the parking of vehicles of site operatives and visitors;
  - (b) loading and unloading of plant and materials;
  - (c) storage of plant and materials used in constructing the development;
  - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (e) wheel washing facilities;
  - (f) measures to control the emission of dust and dirt during construction;
  - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - (h) details of measures for the control of noise during construction works;
- has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction methods.

**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.

11 Prior to the commencement of each phase of development, an Energy Statement demonstrating how the development within that phase will achieve at least a 40% reduction in carbon emissions compared with code L 2013 Building Regulations, and details of how this will be monitored, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

**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).

12 No development shall take place until a detailed surface water drainage scheme for the site, based on the principles contained within Flood Risk Assessment and Drainage Strategy revision B dated July 2020 by A.C. Lloyd, and based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, 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 include the following information:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rainstorm to the Q Bar Greenfield runoff rate of 28.5 l/s.
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for the critical storm duration for at least the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event. Thereafter, each reserved matters phase submitted shall include a compliance statement together with appropriate detailed methodology to demonstrate that the drainage for that phase is in accordance with the overarching drainage strategy for the site.

**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.

- 13 No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the Local Planning Authority 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 Local Planning Authority and LLFA within the maintenance plan.

**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.

- 14 The development hereby permitted shall only be undertaken in strict accordance with details of boundary treatment design and materials, which have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted.

**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 & BE3 of the Warwick District Local Plan 2011-2029.

- 15 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.

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

- 16 The hours of operation for construction works and deliveries shall be restricted to 07:30-17:00 Monday to Friday and 08:00-13:00 on a Saturday. No work is permitted to take place on Sundays or Public Holidays without the prior written permission of the Local Planning Authority. Furthermore, during term time delivery vehicles shall not be allowed to arrive on site between 08:30-09:30 or between 15:00 and 16.30 Monday to Friday.

**Reason:** To ensure that the site is not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 17 The development hereby permitted shall take place strictly in accordance with the details set out within the approved hydrological/hydraulic model of the Whitnash Brook submitted to the Local Planning Authority on 22 June 2022 and approved in writing on 7 July 2022 that demonstrates the proposed attenuation basins will be located outside of the 1 in 1,000 year return period fluvial flood extent.

**Reason:** In the interests of reducing occupant's risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

- 18 The development hereby permitted shall be carried out in accordance with the scheme for the protection of all existing trees and hedges submitted to the Local Planning Authority on 1<sup>st</sup> March 2022 and approved in writing on 6 April 2022. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered, or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme 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.

- 19 Prior to its installation, a detailed lighting scheme (including street and pathway lighting) for each phase, including a programme for its delivery, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme. The scheme should follow the Institute of Lighting Professionals' Guidance Note 01/20: Guidance notes for the reduction of obtrusive light. The lighting shall be installed according to the approved details.

**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.

- 20 No phase of development shall be carried out above slab level unless and until a schedule of the external facing materials to be used in that phase has 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.

- 21 No development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with adjacent phases 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 amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 22 No phase of development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire-fighting purposes for that phase of 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 the Warwick District Local Plan 2011-2029.

- 23 The landscaping approved under Condition 1, shall be completed in all respects for that phase of development within the first planting season following the first use of the dwellings within that phase. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in strict accordance with British 9 Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

**Reason:** In the interests of the visual amenities and natural environment of the locality in accordance with Policy NE1 of the Warwick District Local Plan 2011-2029.

- 24 The existing tree(s), hedges and shrub(s) indicated to be retained on the plans approved under Condition 1 shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the Local Planning Authority. Any tree(s), hedge(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) and shrub(s) of such size and species details of which must be submitted to and approved by the Local Planning Authority. All tree(s), hedge(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 (excluding hard surfaces).

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

- 25 The type and size of dwellings submitted as part of any reserved matters application shall broadly accord with the following mix:

	<b>One Bed</b>	<b>Two Bed</b>	<b>Three Bed</b>	<b>Four+ Bed</b>
Market mix	5-10%	25-30%	40-45%	20-25%
Affordable mix	30-35%	25-30%	30-35%	2-5%

**Reason:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.

- 26 No phase of development shall be carried out above slab level unless and until a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures have been completed in strict accordance with the approved details.

**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.

- 27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no permitted changes from C3 dwelling house to C4 Houses in Multiple Occupation shall be enacted within the development hereby permitted.

**REASON:** To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029.

- 28 Prior to the occupation of 50% of the dwellings, the allotments and associated infrastructure shall be laid out in full accordance with an Allotment Delivery and Management Plan that shall first have been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the location of the allotments, laying out of individual plots, infrastructure, boundary fencing, car parking areas and any proposed storage structures. Once laid out the allotments shall be appropriately managed, maintained and kept in a tidy condition for use as allotments for the lifetime of the development as set out within the Management Plan.

**REASON:** To ensure adequate infrastructure is provided in a timely manner as part of the comprehensive development of this strategic site in the interests of the sustainable development in accordance with Policy DS15 of the Warwick District Local Plan 2011-2029.

- 29 As part of the submission of any reserved matters relating to the layout of the dwellings adjacent to the railway line hereby permitted, a detailed scheme for the proposed means of noise attenuation from the adjacent railway line shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The scheme should

ensure that proposed measures whilst acoustically effective are designed to minimise visual impacts and impacts upon ecological features and trees. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity and any approved mitigation measures shall be implemented in accordance with the approved programme.

**REASON:** To protect residents of the development from the adverse effects of noise from within and outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 30 Prior to first occupation of the final dwelling in the development, the site access shall be delivered in general accordance with drawing 20376-01 Rev E.

**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.

- 31 Prior to first occupation of the final dwelling in the development, the proposed Traffic Management Scheme shall be delivered in general accordance with drawing 20376-02A.

**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.

- 32 Prior to the commencement of each phase of development, details of cycle storage, for that phase shall be submitted to and approved in writing by the Local Planning Authority. The agreed cycle parking shall be provided before first occupation of that part of the site and be retained as such thereafter.

**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.

- 33 As part of any reserved matters applications submitted under Condition 1, plans showing car parking within that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed car parking provision shall be provided before first occupation of that part of the site and be retained as such thereafter.

**Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the Local Planning Authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.

34 Prior to submission of any reserved matters application an appropriate scheme of Type 1 and 2 mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved details.

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

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**Planning Committee:** 04 November 2025

**Item Number:** 7

**Application No:** [W 25 / 0519 LB](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Dan Charles

**Registration Date:** 03/04/25  
**Expiry Date:** 29/05/25

01926 456527 dan.charles@warwickdc.gov.uk

**Sheldon Bosley Knight, 28,29 & 34 Denby Buildings, Regent Grove,  
Leamington Spa, CV32 4NY**

Listed building consent application for TV display screen and surrounding window vinyl FOR Sheldon Bosley Knight

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

**RECOMMENDATION**

That Listed Building Consent be GRANTED.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks Listed Building Consent for the display of a digital screen advertisement and surrounding window vinyl with clear touch screen film feature. The proposal is a part-retrospective application.

**THE SITE AND ITS LOCATION**

The application site relates to a Grade II Listed Building situated on the north side of Regent Grove within the Royal Leamington Spa Conservation Area and the secondary retail area of the town centre. The premises forms part of Denby Buildings, which is a mid-nineteenth century terrace in a Scottish Baronial style. The site specifically relates to the ground floor retail unit, currently occupied by Sheldon Bosley Knight estate agents.

**PLANNING HISTORY**

There is various planning history relating to the Denby Buildings for signage as well as Listed Building works. None specifically relevant to this proposal.

**RELEVANT POLICIES**

- National Planning Policy Framework

[Royal Leamington Spa Neighbourhood Plan 2019-2029](#)

RLS3 - Conservation Area

## Warwick District Local Plan 2011-2029

- HE1 - Protection of Statutory Heritage Assets

### Guidance Documents

- Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

## Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No comments to make on this application.

**WDC Conservation:** Objection - Volume of vinyl appears excessive and detracts from the architectural qualities of the Listed Building. The most harmful element is undoubtedly the touchscreen TV unit, which is physically attached to the external window via touch foil. The illuminated unit is bold, brash, dominant in the window display, disproportionate and adds yet more commercial character to the listed buildings, which is inherently harmful to their significance as designated heritage assets. It is also considered contrary to the principles contained within the Council's Shopfront and Advertisement guidance for Leamington Spa.

**WDC Conservation comments on revised plans:** In regard to this application, I would consider the proposal to have a neutral impact on the listed building and the wider conservation area. The proposal introduces a transparent touch screen cover to the external window with a corresponding free-standing display unit internally. It's considered that the transparent cover is a removable feature and the corresponding unit is a furnishing within the building and as such the impact on the historic fabric from the scheme is reduced. In regard to design of the free-standing unit, I would consider the dark overall colour, with lighter detailing, and streamlined surround of the unit also reduces any potential visual impact overall. It is also considered that the proposed single screen reduces the requirement for larger displays of printed details and that the proposal aligns with other electronic advertisements within Regent Grove, as the terrace consists of retail to the ground floors and there is a similar approved scheme within the row. I would potentially recommend restricting usage to be between 8am and 8pm to align with previous approvals however overall, I would consider the impact to be neutral and would have no further comments or concerns from a conservation perspective.

**Leamington Society:** Contrary to principles set out in legislation and local conservation policies. Additional of disproportionately bright display and vinyl surrounds is inappropriate in the listed building in such a prominent historic street.

Additional light pollution generated which is prominent in darker hours. May set an unwelcome precedent for further installations. Maintain comments on revised plan.

**Public Response:** 6 letters of objection received on original proposal and objectors have maintained objection on revised plans. Comments made;

- Causes harm to the architectural and historic character of the building.
- Size, colours, materials and brightness dominate and disfigure the whole block.
- Contrary to principles of heritage conservation.
- Detrimental to local character of historic street.
- Negative impact on setting and Conservation Area.
- Visual and Light Pollution.
- Illuminated signs compete for attention and this will exacerbate the problem.
- Harm to highway safety.
- Would set unwelcome precedent.
- Design contrary to local guidance.

## **ASSESSMENT**

### Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 212 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 214 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, 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 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 Royal Leamington Spa Neighbourhood Plan Policies RLS3 only permits proposals which respect the significance of listed buildings and non-designated heritage assets.

The Council has adopted Supplementary Planning Guidance on Shopfronts and Advertisements in Leamington Spa. The Council's maintenance of strict controls over the design of shopfronts within the core of the town centre has ensured that many are simplistic in appearance reflecting the restrained and elegant Regency character of Leamington Spa Conservation Area. It is the Council's aim to ensure

that the town remains an attractive shopping and commercial centre, recognising that part of the attraction stems from its special architectural qualities. The Council wishes to see that any new development enhances features which form part of the town's attraction, including the installation of associated advertising.

The proposal comprises a display screen set behind the glass window but not physically attached. On the window itself is a vinyl surround that is designed to wrap around the screen and provides a transparent touch film that controls the screen giving people the ability to control the screen from the outside to view properties for sale.

The proposal is part retrospective insofar as the screen and vinyl surround currently exist. However, following assessment, the current vinyl surround was considered to be overly dominant and harmful to the heritage asset. Conservation have been consulted and having reviewed the documents, consider that the impact on the listed building and the conservation area would be neutral with the revised vinyl design.

The key elements that have led to the impact being considered neutral are that the screen is set back from the glazing of the building and it is set on a free standing directional totem. As such, the impact on the historic fabric of the listed building, as this is a removable, free standing feature, and its visual impact on both the listed building and the wider conservation area are considered to be low.

All of the proposed works are reversable and will have no lasting impact on the fabric or character of the Heritage Asset.

The proposal is not considered harmful to the character of the Listed Building, and complies to the above detailed policies.

### **SUMMARY/CONCLUSION**

It is considered that the proposed digital display and surround is acceptable in terms of its impact on the character and appearance of the Listed Building. The advertisement complies with the Council's adopted relevant design guidance and aforementioned policies, and results in an acceptable and appropriate signage on this historic building.

It is therefore recommended Listed Building consent is granted.

### **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) 24-90-06 Revision A, and specification contained therein, submitted on 2 October 2025.

**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 Within 3 months from the date of this decision, the window vinyl shall be replaced with the details as shown on plan reference 24-90-06 Revision A received by the Local Planning Authority on 2 October 2025.

**Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 04 November 2025

**Item Number:** 8

**Application No:** [W 25 / 0819](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Thomas Senior

01926 456539 thomas.senior@warwickdc.gov.uk

**Registration Date:** 01/07/25

**Expiry Date:** 26/08/25

**126 Cubbington Road, Lillington, Leamington Spa, CV32 7AH**

Erection of a single storey rear extension, first floor rear extension, loft conversion, roof alterations including raising of parapet roof and introduction of 10 new windows to rear elevation of the property (Retrospective application).  
FOR Mr H Cheema

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This application is being presented to Committee because over 5 public comments of support have been received and the application is recommended for refusal.

**RECOMMENDATION**

Planning Committee is recommended to refuse this application for the reasons set out at the end of this report.

**DETAILS OF DEVELOPMENT**

The applicant seeks retrospective planning permission for the erection of a single storey rear extension, first floor rear extension and associated loft conversion, roof alterations including raising of parapet roof and introduction of 10 new windows to the rear elevation of the property.

**THE SITE AND ITS LOCATION**

The application property relates to a former MOT Station that is located on the eastern side of Cubbington Road, Lillington. The property is located within a primarily residential area, however there are local shops and services within the immediate vicinity of the site. The application property is set back from the highway containing a front forecourt.

**RELEVANT PLANNING HISTORY**

Enforcement Notice - ACT/0102/22 – Without planning permission, removal of the roofing material and enlargement of existing building – Appeal dismissed, 11<sup>th</sup> November 2024.

**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
- TR3 - Parking
- NE5 - Protection of Natural Resources
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Net Zero Carbon Development Plan Document
- NZC4 - Existing Buildings

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** - Object to the application on the grounds of a lack of transparency with regard to the intended use, massing concerns and the subsequent impact on neighbouring amenity levels.

**WDC Environmental Health** - Requested the submission of a noise impact assessment and an investigation into the ground conditions of the site.

**WCC Ecology** - Objects to the application due to absence of activity surveys.

**Councillor Russell:** Objects to the application on the following grounds:

- Impact on neighbouring amenity
- Concerns in regards to structural integrity of the works

**Public Response** - 23 objections have been received with the concerns including the following:

- Impact on neighbouring amenity
- Concerns in regards to the structural integrity of the retrospective works
- Concerns in regard to the proposed use of the building and potential loss of garage use
- Issues in relation to contaminated land, presence of asbestos, hazardous substances, drainage concerns and refuse issues
- Design concerns, with the works harming the character of the area
- Parking concerns

57 support comments have been received on the following grounds:

- Support the renewal of the MOT station
- Support the introduction of a new business in the area
- Improve the current condition of the building

## **ASSESSMENT**

### Design and Impact on Character and Appearance of the Streetscene

The NPPF places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 135 states

that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 135 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets, respect surrounding buildings in terms of scale, height form and massing and adopt appropriate materials.

With the application being retrospective, the majority of the proposed works have already been substantially completed, subject to external alterations in regards to the proposed material finishes. From the streetscene, the only visual impact of the proposals is the raising of the front parapet wall. The front elevation of the property has been raised from the former height of approximately 6.35m to approximately 6.8m. Objections have been received from the public in regards to the works to the front of the property and whilst it is considered that the raising of the height when viewed from the streetscene would be acceptable in principle due to the slight increase, the works are comprised of additional blockwork placed on top of the existing painted brick finish. Although the blockwork has been painted white like the existing brickwork below, visually there is still a clear contrast between the original material finish and the proposed increased height of the wall when read from the front elevation. The additional blockwork does not harmonise with the original external appearance of the property and is subsequently considered to fail to harmonise with the original property through the adoption of this inappropriate material finish when read alongside the painted brickwork to the front elevation. As such, this clear contrast is considered to result in visual harm to the character and appearance of the streetscene, therefore being contrary to Local Plan Policy BE1.

Whilst not visible from the streetscene, the rear of the property has been substantially altered, involving the removal of the previously double pitched gable rear of the property and erection of a flat roof replacement and associated first floor rear extension and loft extension. The proposed rear alterations also include the erection of a single storey rear extension. At present the works are comprised of breeze blocks and a felt finish to the rear, however the plans indicate that the majority of the rear elevation is set to be comprised of a rendered finish. Whilst not visible from the streetscene, the proposed development is not considered to constitute good design, with the roof alterations and rear extensions creating a substantial flat roof structure that is substantially taller than the original rear element of the building when viewed as

a whole. With this in mind, the proposed development is considered to be of an inappropriate form, with this additional massing failing to respect surrounding buildings within the immediate setting when viewed from the rear of the application site.

Alongside concerns in relation to the scale and massing of the proposed alterations to the rear of the building, concerns are also prevalent in regards to the range of material finishes that are present at the rear of the property. The rear elevation is set to be comprised of existing brickwork, a rendered finish and a felt finish. This array of materials to the rear elevation is not considered to represent the adoption of appropriate materials, with this mix of finishes considered to result in further harm from a design perspective. When considering how the additional scale and massing is considered to fail to respect the original building, alongside the variety of material finishes to the rear elevation of the property, the proposed extensions are considered to constitute poor design that would fail to both enhance the existing building and respect the surrounding buildings in terms of their form, massing and adoption of appropriate material finishes. As such, the proposed alterations to the rear of the property are considered to constitute poor design and fails to accord with Local Plan Policy BE1.

Therefore, the proposed development is considered to be contrary to Local Plan Policy BE1.

#### Impact on neighbouring properties and the current and future occupiers of the development

Warwick District Local Plan Policy BE3 requires that development must have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states how extensions should not breach a 45 degree line taken from the nearest habitable room of the neighbouring property. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses.

Objection comments have been received by the occupiers of the neighbouring property, No.128 Cubbington Road, with concerns raised in regards to the impact that the proposed roof alterations and extensions have upon their amenity levels. Whilst the original building did result in a breach of the 45-degree line when taken from the nearest habitable window at ground floor level, this breach has been significantly exacerbated as a result of the raising of the roof levels and alteration from a previously pitched roof to a flat roof. This has resulted in a significant breach of the 45-degree line which is considered to have an unacceptable impact on the amenity of this neighbouring occupier by virtue of the loss of light and outlook from this habitable room.

Moreover, the proposed scheme is set to breach the 45-degree line when taken from the centre-point of the nearest first floor habitable room from the rear of the neighbouring property. This once more results in an unacceptable impact upon the amenity of this neighbouring occupier, illustrating how the retrospective development has an adverse impact upon the amenity of this neighbouring occupier.

Objection comments have also highlighted the loss of light that is available within the most intimate area of the rear garden to this neighbouring property as a result of the substantial increase in height resulting from the roof alterations to the rear of the application property. This is considered to result in an additional harmful impact on the amenity of these neighbouring occupiers with the development having a detrimental impact upon the enjoyment of their own private amenity space.

The proposal also includes the installation of 10 windows to the rear elevation of the property. As existing there were 5 windows present to the rear elevation of the building, with this rising to 13 as a result of the proposed development. Six of the proposed windows are located at a higher height than the existing ground floor windows and when combining this with the slightly extended footprint to the rear, the proposed windows would result in the creation of new openings that look directly out onto properties to the rear of the site. To the rear of the site lies a row of bungalows that have windows that look out onto the application site. The separation distance between the rear of the proposed development and the rear of the bungalows falls below the minimum standards, resulting in potential harmful levels of overlooking. In order to mitigate against this, a condition could be imposed on any subsequent decision to ensure that the windows are obscure glazed and non-opening to prevent any harmful overlooking.

Additionally, the Council's Environmental Health Officer has queried whether the internal alterations and additional fenestration to the rear elevation of the existing building would have had an impact upon the noise insulating properties to the rear of the building. With the use of the property set to remain as an MOT station, it is noted that these alterations could have a significant impact upon the amenity levels of neighbouring occupiers, especially when considering the typical noise levels associated with a B2 use. With this in mind the Environmental Health Officer requested the submission of a noise impact assessment in order to demonstrate the impact of these changes. Whilst this has been requested, the applicant has not submitted the requested assessment. Subsequently, in the absence of this information, it has not been demonstrated that the proposed alterations would not result in any adverse noise impacts as a result of the proposed development. Therefore, as it has not been demonstrated that the proposed alterations would have an acceptable impact in regards to the noise impacts associated with the use of the application site, it is considered that the development would be contrary to Local Plan Policy BE3.

In light of the above, the proposed development is considered to be contrary to Local Plan Policy BE3, with this in relation to both the harmful impact the proposed development will have upon levels of light and outlook from habitable rooms within the neighbouring property and in regards to the potential harmful noise impacts associated with the proposed alterations and continued B2 use of the site.

### Ecology

Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

The applicant has submitted a preliminary bat roost assessment as part of this application and whilst the works are retrospective in nature, the report concluded that further activity survey would need to be carried out as a result of potential roosting features being noted. The County Ecologist has been consulted on the proposed works and has agreed with the recommendations set out in the report, noting that whilst the application is retrospective, were planning permission to be granted, existing potential roosting features would likely be lost when finalising the construction of the building.

The additional surveys that have been requested have not been submitted and as a result officers consider that insufficient information has been provided that demonstrates that the proposed development would not adversely affect protected species. Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case.

Therefore, the proposal is considered to be contrary to Local Plan Policy NE2 and paragraph 99 of Circular.

### Parking

Local Plan 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 SPD.

Whilst no change of use is proposed, there is a slight increase in the overall footprint of the building, with parking concerns also raised within the objections that have been received in relation to the application. Whilst these concerns have been noted, the proposed development benefits from substantial parking availability within the front forecourt of the property that is in accordance with the parking requirements as set out within the Parking Standards SPD.

### Contamination

Local Plan Policy NE5 sets out how development proposals will be expected to ensure that, where evidence of contamination exists, the land is made fit for its intended purpose and does not pose an unacceptable risk to sensitive receptors.

Within a number of the objection comments that have been received, concerns have been raised in relation to the contaminated land, with decommissioned petrol and diesel tanks buried underground. Following these concerns being raised within the public consultation the Council's Environmental Health department were consulted on the proposed works and noted how historical mapping of the site shows that the site was previously a quarry and that the infill material is unknown. Moreover, within their consultation response they noted that there is also the presence of a tank on site, with several outbuildings also present within historic maps. In light of this, it was requested that the applicant carry out an investigation into the ground conditions on site. The purpose of this request was to provide a report which reviews the potential uses of these buildings and location of tanks to ensure that the new foundations for the proposed single storey extension have not created any additional pathways for contamination to reach a receptor.

Whilst an investigation was requested, the applicant has failed to submit any further information to respond to these specific requests from the Council's Environmental Health Officer. Consequently, we do not have any specific information relating to whether the proposed development may have created an additional pathway for contamination to reach a receptor. In the absence of this information, the applicant has not demonstrated that the development would not pose an unacceptable risk to sensitive receptors and the proposed development is therefore contrary to Local Plan Policy NE5.

### Planning for Climate Change Adaption

As required by the Council's Net Zero Carbon Development Plan Document (DPD) Policy NZC4, an Energy Statement has been submitted which demonstrates a consideration to sustainable construction and design, in accordance with Local Plan Policy CC1 – Planning for Climate Change Adaptation. The applicant has demonstrated how the requirements for the policy have been complied with within an energy statement submitted as part of this application.

In light of the above, the proposal is therefore considered to comply with DPD Policy NZC4.

## Other Matters

Within the objection comments received numerous issues have been raised in relation to the proposed use of the property, the presence of asbestos, drainage issues, sewage connections, structural integrity of the works and storage of hazardous chemicals. However these issues are either not material planning considerations or are covered by other legislation.

Within the support comments that have been received, a common theme relates to the local economic benefits associated with the reintroduction of the MOT station. Whilst the economic benefits of the scheme have been noted, these benefits are considerably outweighed by the harm that has been identified and set out within this assessment.

## **SUMMARY AND CONCLUSION**

The proposed development is considered to constitute poor design in respect of it substantially altering the scale, height, form and massing of the original building, whilst also failing to adopt appropriate materials and details with this therefore being contrary to Local Plan Policy BE1. The development is considered to have an unacceptable impact on the amenity of neighbouring occupiers, particularly in regards to the loss of light and outlook from habitable windows as well as failing to demonstrate that the proposed alterations will have an acceptable impact on neighbouring uses from a noise pollution perspective. Moreover, insufficient information has been submitted that would demonstrate that the proposals do not have an adverse impact on protected species, with this being contrary to Local Plan Policy NE2. Finally, no information has been submitted in response to the request from environmental health in regards to queries relating to potential contaminated land issues. As such, for the aforementioned reasons, this application is recommended for refusal.

## **REFUSAL REASONS**

- 1 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore the Residential Design Guide SPD provides a detailed framework which should be followed in order to achieve good design.

The 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.

In the opinion of the Local Planning Authority the proposed development will result in the creation of a substantial flat roof structure to the rear of the property that is considered to be of an inappropriate form, with this additional massing failing to respect surrounding buildings within the immediate setting. Moreover, the proposed development is comprised of an array of materials, which is subsequently not considered to represent the adoption of appropriate materials. In light of the above, the proposed development is considered to constitute poor design.

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

- 2 Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the Residential Design Guide Supplementary Planning Document includes the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

In the opinion of the Local Planning Authority, the proposed development will have an unacceptable impact upon the amenity of the occupiers of No.128 Cubbington Road by virtue of the alterations to the rear of the property breaching the 45-degree line when taken from the nearest habitable rooms. Whilst the 45-degree line was already breached by the property in question, this breach has been exacerbated as a result of the increased massing of the property, resulting in an unacceptable impact on the amenity of this neighbouring occupier by virtue of the loss of light and outlook from habitable rooms of the property. Additionally, the proposed development is considered to result in an overbearing development that results in a loss of light to the most intimate area of the rear garden to 128 Cubbington Road.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policies.

- 3 Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

A noise impact assessment was requested by the Council's Environmental Health Officer to determine if the internal alterations and installation of additional fenestration would have an impact upon the insulating properties of the rear of the building. No further information has been submitted to demonstrate that the proposed alterations would have an acceptable impact on neighbouring amenity in regards to the noise impacts that would be associated with the continued B2 use of the site, following these alterations. In the absence of this information, the Local Planning Authority consider this to be tantamount to a reason for refusal.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policies.

- 4 Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case.

Therefore, in the opinion of the Local Planning Authority insufficient information has been provided to demonstrate that the proposed development would not adversely affect protected species. The development is thereby considered to be contrary to the aforementioned policy and guidance.

- 5 Local Plan Policy NE5 sets out how development proposals will be expected to ensure that, where evidence of contamination exists, the land is made fit for its intended purpose and does not pose an unacceptable risk to sensitive receptors.

The Council's Environmental Health Officer had requested that an investigation be carried out in relation to the ground conditions of the site in order to ensure that the new foundations for the proposed single storey extension have not created any additional pathways for contamination to reach a receptor. No further information has been submitted and therefore it has not been demonstrated that the development would not pose an unacceptable to risk to sensitive receptors.

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

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**Planning Committee:** [04 November 2025](#)

**Item Number:** 9

**Application No:** W 25 / 0914

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Thomas Senior

01926 456539 [thomas.senior@warwickdc.gov.uk](mailto:thomas.senior@warwickdc.gov.uk)

**Registration Date:** 28/07/25

**Expiry Date:** 22/09/25

**3 Clemens Street, Leamington Spa, CV31 2DW**

Replacement of existing timber-framed entrance doors with a single aluminium-framed entrance door and replacement windows (retrospective application). FOR  
Mr Mustafa

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

**RECOMMENDATION**

Planning Committee is recommended to approve this application, subject to the conditions listed at the end of this report.

**DETAILS OF DEVELOPMENT**

The applicant seeks retrospective planning permission for the replacement of the timber framed entrance doors with a single aluminium-framed entrance door and replacement windows.

**THE SITE AND ITS LOCATION**

The application site relates to the ground floor commercial property on the eastern side of Clemens Street, Leamington Spa. The application property lies within the Royal Leamington Spa Conservation Area and the Leamington Spa Town Centre Boundary as set out within the Local Plan.

**RELEVANT PLANNING HISTORY**

W/25/ 1056 - Display of one non-illuminated fascia sign and one internally illuminated projecting sign above the entrance (Retrospective application) - Granted

**RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area
- RLS16 - Royal Leamington Spa Town Centre
- Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** - No objection.

**WDC Conservation** - No objection.

**Public Response** - 8 objections have been received on the following grounds:

- Harmful impact on the character and appearance of the conservation area, the setting of listed buildings and public views into the town
- Loss of traditional features
- Concerns relating to advertising
- Harmful precedent
- Concerns in regards to the proposed colour scheme

## **ASSESSMENT**

### Design of Development and Impact on the Conservation Area

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 212 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 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policies BE1 and BE3 of the Warwick District Local Plan 2011 - 2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

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.

Local Plan Policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

The Royal Leamington Spa Neighbourhood Plan Policies RLS3 and RLS16 relate to development in the Conservation Area and the Town Centre. Policy RLS3 only permits proposals which respect the significance of listed buildings and non-designated heritage assets and RLS16 states that new shop fronts should retain and enhance the Town Centre's distinctive character.

The Council have also adopted a "Guidance for Shopfronts and Advertisements in Leamington Spa" as Supplementary Planning Guidance, which seeks to ensure that shopfronts and their associated advertisements have an acceptable impact on the character and appearance on the streetscene and wider conservation area.

The proposed works also include the repainting of the existing shopfront, with objections opposing the proposed repainting, however this does not fall within the description of development as the works could be completed without the need for planning permission. In any case, the proposed repainting of the shopfront from orange to black is considered to be more appropriate and in keeping with the wider character of the area than the previous appearance of the shopfront.

The works that do require planning permission relates to the replacement of the existing timber entrance door and timber windows with powder-coated black aluminium units. The Council's Conservation Officer has been consulted on the proposed works and has confirmed that they have no objection to the retrospective development.

However, objection comments have been received setting out how the retrospective development results in the loss of timber windows incorporating mullions and transoms, with this considered to break up the traditional symmetry and proportions of the frontage. Objections also raise concern in regard to the size of the window units and how the works could result in a harmful precedent within the streetscene. Additionally, within the objections comments have been raised in regards to the initial plans not accurately reflecting the details of the shopfront, particularly in regards to the windows and entrance doors, however this has since been addressed with the submission of amended plans.

Whilst the above concerns have been noted, the Conservation Officer has noted that there are limited grounds to insist that the previously existing timber entrance doors and windows are reinstated, with the application property not a listed building and the previous fenestration not considered to be an original design element of the shopfront. The proposed replacement with aluminium units is still considered to represent the adoption of an acceptable material finish

within the conservation area, with the Conservation Officer also stating how the shopfront retains similar proportions to the original shopfront. As such, officers consider that whilst the existing windows have been broken up, the new shopfront is not comprised of an excessive expanse of glazing, with the proposed new glazing still retaining a degree of symmetry either side of the entrance door, with these original proportions still recognised.

Within the objection comments received, reference has been made to the vinyl lettering and photographic posters that are present at the application site, alongside the fascia signage and illuminated projecting sign. The existing fascia signage and illuminated projecting sign referenced within the objection comments benefit from advertisement consent, with the remaining elements identified not requiring advertisement consent. As such, these concerns are not considered to be relevant in the determination of this application, hence why they are not included within the proposed elevation drawings.

Objections have also referenced the presence of listed buildings located opposite the application property, specifically 4 and 6 Clemens Street and how the retrospective development harms their setting. However, officers do not consider that the retrospective development gives rise to any harm to the setting of these listed buildings, with the shopfront still retaining appropriate proportions and comprised of an acceptable material finish.

Consequently, the proposed scheme is considered to have an acceptable impact on the character and appearance of the conservation area. As such, the development is considered to be in accordance with all of the aforementioned policies.

### **SUMMARY AND CONCLUSION**

In light of the above, the retrospective works are considered to have an acceptable impact on the character and appearance of the conservation area, being in accordance with all of the aforementioned policies. It is therefore recommended that planning permission is granted.

### **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) AMA-986-002A, and specification contained therein, submitted on 20/10/2025. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

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