

Planning Committee

Minutes of the remote meeting held on Tuesday 12 January 2021 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Heath, Jacques, Kennedy, Leigh-Hunt, Morris, Murphy, Tangri and Weber.

Also Present: Committee Services Officer – Mr Edwards; Principal Committee Services Officer – Mrs Dury (observing only); Legal Advisor – Mr Howarth; Manager - Development Services – Mr Fisher; Principal Planning Officers – Ms Obremski and Mr Charles; Enforcement Manager – Mrs Reddi; and Warwickshire County Council Highways Officer – Mr Pilcher.

92. **Apologies and Substitutes**

There were no apologies for absence made.

93. **Declarations of Interest**

There were no declarations of interest made.

94. **Site Visits**

There were no arranged site visits made by the Committee but Councillor Dickson independently visited the following application sites:

W/20/0760 - WCC County Store Depot and Former Ridgeway School, Montague Road, Warwick; and
W/20/0735 - 23 Mill End, Kenilworth.

95. **Minutes**

The minutes of the meeting held on 1 December 2020 2020 were taken as read and signed by the Chairman as a correct record.

The Chairman paused the meeting at 6.07pm for five minutes to allow Members time to read the addendum that was circulated prior to the meeting.

96. **TPO 561 – Rear of 7 Dickins Road, Warwick District Council**

The Committee considered the confirmation of a provisional Tree Preservation Order relating to an oak tree at the rear of 7 Dickins Road, Warwick.

The application was presented to Committee because objections had been received against the TPO being confirmed.

The Council was made aware on 27 July 2020 of the potential felling of a mature oak tree. Following an unannounced site visit on 28 July 2020, a Provisional Order was made. The Provisional Order showed the tree on land within Chesford Crescent, but if Members were minded to confirm the

PLANNING COMMITTEE MINUTES (Continued)

order, it should be amended to show the location was within the land to the rear of 7 Dickins Road.

The tree's scale and mass provided very significant public amenity. It was clearly visible from Chesford Crescent, Dickins Road, and All Saints Road, and appeared to be in good health, with a retention span of up to 100 years.

The Council's Arboricultural Consultant assessed the tree for its TPO quality using the nationally recognised TEMPO method of assessment. The tree scored 22; the TEMPO guidance was that where the score was 16 or more, the making of a TPO was merited (if there were no other mitigating circumstances).

The officer was of the opinion that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the oak tree made to the surrounding area, and therefore it was expedient to confirm the TPO.

An addendum circulated prior to the meeting informed Members that nine photographs had been received from the objector, demonstrating the width of the access, and before and after photographs of the site clearance and the crack in the slab.

Following consideration of the report, presentation, and information contained in the addendum, it was proposed by Councillor Morris and seconded by Councillor Weber that officers should be authorised to confirm the order.

The Committee therefore

Resolved that officers be **authorised** to confirm TPO 561 with an amended location plan.

97. W/20/0760 – WCC County Store Depot and Former Ridgeway School, Montague Road, Warwick

The Committee considered an application for Crest Nicholson Midlands for the demolition of the existing buildings and construction of 121 dwellings with associated internal roads, footways, cycle ways and retained access for an ambulance station.

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

The officer was of the opinion that the redevelopment of this site for residential purposes was in accordance with the allocation of the site for housing by Local Plan Policy DS11, and was therefore acceptable in principle. There were substantial public benefits which would be secured by the scheme, such as the provision of a high quality major residential development of 121 dwellings, which would contribute towards the Council's housing stock, including the provision of 48 affordable housing units. The proposal had been designed in conjunction with officers to provide a sensitive form of development which responded well to the

PLANNING COMMITTEE MINUTES (Continued)

setting of the Canal Conservation Area and wider site context. The proposed development was considered to enhance the setting of the Conservation Area and also provided more opportunities for members of the public to enjoy the canal. Furthermore, the proposed development provided a high quality area of public open space, which was appropriately positioned in the central portion of the site to be effectively accessed by all, delivering a 'green link' which allowed not only future residents, but also wider members of the public easy access to the canal.

The proposed market and affordable housing mix was considered to be acceptable, given the location of the site in a highly sustainable location. The proposals were also considered to be acceptable in terms of car parking, highway safety, drainage/flood risk and ecological impact. The scheme was considered to have overcome the previous reason for refusal and had demonstrated why the level of parking provided would represent a policy compliant scheme.

There were substantial benefits to this scheme, which were considered to significantly outweigh any minor compromises, such as the car parking layout or living conditions. The proposal provided a comprehensive redevelopment of an allocated housing site, with a large area of open space within the central portion of the site, allowing easy access for all. The site provided an unusual opportunity for residents to have direct access to the canal, with cycle routes and footways, which encouraged healthy, sustainable lifestyles. The dwellings would all have good levels of privacy, outlook and light, which met the required standards.

Subject to the above required information being provided and agreed, it was considered that the scheme provided a high quality, policy compliant development, and therefore it was recommended that planning permission should be granted.

An addendum circulated prior to the meeting advised Members of changes to condition 2, which related to drawing reference numbers, and also informed Members that, as requested, the applicant had provided a technical note which detailed the requirements from WCC Landscape.

The addendum also gave further details relating to matters concerning landscape, affordable housing tenure, ecology, parking, Section 106 agreement, and consultation responses.

The following people addressed the Committee:

- Councillor Stephen Cross, representing Warwick Town Council, which had objected to the application;
- Dr Roemer, speaking in objection;
- Mr Slemensek, speaking in objection;
- Ms Bowater, speaking in support; and
- Councillor Jody Tracey, District Councillor, speaking in objection.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Kennedy and seconded by Councillor Ashford that

PLANNING COMMITTEE MINUTES (Continued)

the application should be granted in accordance with the report and addendum and an additional condition relating to addressing sustainability.

The Committee therefore

Resolved that W/20/0760 be **granted** subject to the conditions listed below, and a Section 106 agreement to secure the necessary financial contributions/obligations in relation to health services, indoor and outdoor sports facilities, highway infrastructure improvements, education services, libraries, sustainable travel packs, provision of public open space, air quality mitigation, public rights of way, police services, biodiversity offsetting, improvements to the Grand Union Canal and affordable housing.

Authority be delegated to the Head of Development Services in liaison with the Chairman of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

The final figure for the biodiversity offsetting contribution is delegated to officers, in liaison with the Chairman of Planning Committee.

The final figures for open space contributions are delegated to officers, in liaison with the Chairman of Planning Committee.

Should a satisfactory Section 106 Agreement not have been completed by 12 February 2021, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

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| (1) | the development hereby permitted shall begin no later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings: |

172977A/A/01 (northern site access details),
172977A/A/02 (southern site access details),
19057 ACO - 01 (acomb house type), 19057

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	ASH - 01 (ashtead house type), 19057 HEX - 01 (hexham house type), 19057 WIN - 01 (windsor house type, floor plans), 19057 YOR - 01 (york house type), 19057 FIL - 01 (filey house type, floor plans), 19057 MAI - 02 (maisonette type, plots 15 - 22, first floor plans), 19057 MAI - 04 (maisonette type, plot 23 - 26 floor plans), 19057 MAI - 06 (maisonette type, plots 55-58 and 59-62, floor plans), 19057 MAI - 08 (maisonette type, plot 116 - 121 floor plans) submitted on 15th May 2020,
	drawings 19057 DG - 01 (double garage), 19057 SG - 01 (single garage), 19057 T3A - 01 Rev A (T3A house type, floor plans), submitted on 2 nd December 2020,
	drawings 19057 CHE - 01 Rev A (chesham house type), 19057 CRO - 01 Rev A (cromer house type), 19057 FIL - 02 Rev A (filey house type, elevations), 19057 H3A - 02 Rev A (H3A house type, elevations), 19057 HAT - 01 Rev A (hatfield house type), 19057 MAI - 03 Rev A (maisonette type Plot 15 - 22, elevations), 19057 MAI - 05 Rev A (maisonette type Plots 23 - 26, elevations), 19057 MAI - 07 Rev A (maisonette type plots 55 - 58 and 59 - 62, elevations), 19057 MAI - 09 Rev B (maisonette type plots 116 - 121, elevations), 19057 MAR - 01 Rev A (marlborough house type), 19057 T3A - 02 Rev B (T3A house type, elevations), 19057 WHI - 01 Rev A (whixley house type), 19057 WIN - 02 Rev A (windsor house type, elevations) submitted on 14th December 2020,
	drawings 19057 01 Rev T (colour site plan), 19057 04 Rev D (materials plan), 19057 05 Rev E (boundaries plan), 19057 06 Rev D (affordable housing plan), 19057 07 Rev D (storey heights plan), 19057 08 Rev D (phasing plan), 19057 09 Rev E (car parking strategy) submitted on 16th December 2020,
	drawings 19057 MAI - 01 (maisonette type, plots 15 - 22, ground floor plans) submitted on 15 May 2020, 19057 MAI - 08 Rev A (maisonette type, plot 116 - 121 floor plans) submitted on 2 December 2020,

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | and specification contained therein. Reason:
For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3) | <p>the development hereby permitted shall not commence unless and until tree protection / mitigation measures have been submitted to and approved in writing by the LPA and the approved measures have been put in place. The approved measures must remain in place for the duration of the works. The measures are to be submitted for all of the trees within the site as well as the highway trees that may be affected by the proposed development and must include:</p> <ul style="list-style-type: none">a) an arboricultural method statement and tree protection plan in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, Clause 7 in particular; andb) an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development. <p>Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;</p> |
| (4) | <p>no phase of development (excluding demolition) shall take place until a detailed surface water drainage scheme for the site (or that phase), 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:</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ul style="list-style-type: none">• 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 rain storm to 140 l/s for the whole site;• demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall 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 a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year and 1 in 100 year plus climate change return periods;• provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event based on the final levels of the site; and• provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network;

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1, FW1 and FW2 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| (5) | <ol style="list-style-type: none">1. no phase of development excluding works of demolition shall take place until:<ol style="list-style-type: none">a) a desk-top study has been carried out for the phase that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced; andb) if identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:<ul style="list-style-type: none">• a risk assessment to be undertaken relating to human health;• a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;• an appropriate gas risk assessment to be undertaken;• refinement of the conceptual model; and• the development of a method statement detailing the remediation requirements.c) the site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | d) a method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site; |
| 2. | all development of the site shall accord with the approved method statement; |
| 3. | if during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with; and |
| 4. | upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. |

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

- (6) no phase of development (including any works of demolition) shall be undertaken unless and until a construction management plan for that phase has been submitted to

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>and approved in writing by the District Planning Authority. The CMP shall provide for: the location of the site compound; construction routes into the development; the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (7) | <p>no development on Plots 34-45 and Plots 73-86 inclusive shall take place until a Method Statement detailing the design and means of construction of the foundations of the buildings to be constructed on those plots, together with any other proposed earthmoving and excavation works required in connection with their construction, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify and incorporate any measures such as vibration monitoring, to ensure that the risk of adversely affecting the stability of the adjacent Grand Union Canal or towpath is appropriately minimised. The development shall thereafter only be carried</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | out in accordance with the agreed Method Statement. Reason: In the interests of avoiding the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which could adversely affect the structural integrity of the adjacent Grand Union Canal in accordance with the advice and guidance on land stability contained in paragraphs 170 and 178 of the National Planning Policy Framework and in the National Planning Practice Guidance; |
| (8) | each phase of development shall not commence unless and until a hard and soft landscaping scheme for that phase has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. 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 |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | Warwick District Local Plan 2011-2029; |
| (9) | no development on each phase shall take place until: <ul style="list-style-type: none">(a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority for that phase;(b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken for that phase. 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 of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority for that phase. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation. |

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

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

- (10) no development of each phase of the development shall commence unless and until further written approval of the Local Planning Authority has been obtained for the design of

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>the estate road layout serving the development [including footways, cycleways, verges and footpaths]. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfall. No dwelling for each phase of the development shall be occupied until the estate roads [including footways, cycleways, verges and footpaths serving it] have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the approved details.</p> <p>Reason: In the interests of highway and pedestrian safety in accordance with the requirements of policy TR1 of Warwick District Local Plan 2011 – 2029;</p> |
| (11) | <p>the development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;</p> |
| (12) | <p>no phase of development hereby permitted, including site clearance work, shall commence until a Construction Environmental Management Plan for that phase has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for hedgehogs, bats, reptiles and amphibians, breeding birds and otters and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. Reason: To safeguard the presence and population of a protected species in line with UK and</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029; |
| (13) | <p>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 LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan. Reason: To ensure the future maintenance of the sustainable drainage structures, in order to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1, FW1 and FW2 of the Warwick District Local Plan 2011-2029;</p> |
| (14) | <p>no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. 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;</p> |
| (15) | <p>no lighting or illumination of any part of the site shall be installed or operated unless and until details of such measures (including details of design, extent, location and installation of any proposed external lighting of open spaces near to the canal) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. Reason: To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (16) | notwithstanding the finished floor levels details submitted, no development above ground level in each phase shall take place until details of the finished floor levels of all buildings, together with details of existing and proposed site levels for each phase on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details 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; |
| (17) | no development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; |
| (18) | no phase of development hereby permitted shall be occupied until a scheme for the provision of adequate water supplies and fire hydrants for that phase 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 dwelling to the satisfaction of the Local Planning Authority. Reason: In the interests of Public Safety from fire and |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | the protection of Emergency Fire Fighters; |
| (19) | no development above slab level for each phase of the development shall commence unless and until a scheme detailing arrangements to protect residents of the development from excessive road traffic and commercial noise entering habitable rooms for that phase has been submitted to and approved in writing by the local planning authority. Once approved the noise mitigation scheme shall be implemented in full accordance with the approved details and shall be retained thereafter. 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; |
| (20) | no development above slab level shall take place until an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. Once approved the scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority. Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan; |
| (21) | no dwelling on each phase of development hereby permitted shall be occupied until details of all external light fittings and external light columns for that phase have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition, the Local Planning Authority expects lighting to be restricted on the southern side of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | at all times thereafter. Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029; |
| (22) | no dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes 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; |
| (23) | each phase of the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for that phase of the development have been constructed or laid out in strict accordance with the approved plans, and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development. 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; |
| (24) | the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. All tree(s) and shrub(s) |

PLANNING COMMITTEE MINUTES (Continued)

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| | 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) | 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 gate, fence, wall or other means of enclosure shall be erected on any land between the front or side elevation of any dwelling and any road or footpath. Reason: Due to the open plan layout of the proposed development it is considered important to ensure that control is maintained over boundary treatments fronting the public highway; |
| (26) | all rainwater goods along the canal frontage for the development hereby permitted shall be metal. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; |
| (27) | all window and door frames shall be constructed in timber and shall be painted and not stained. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; |
| (28) | prior to the occupation of the development hereby permitted, the first floor side facing window(s) in the side elevation(s) of the following plots 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: plots 1, 48, 68, 87, 91, and 92. The |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | 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; |
| (29) | the dwellings within 'Build Phase 1' shall not be occupied unless and until a 2.0-metre-high acoustic fence has been installed in accordance with the approved Drawing 19057-05-D (Boundary Treatment Plan). The acoustic fence shall be imperforate, sealed at the base, and shall have a minimum superficial density of at least 10kg/sq.m. Once installed the acoustic fence shall be retained thereafter and shall not be altered in any way without expressed written consent from the local planning authority. 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; |
| (30) | pre-commencement conditions for provision of a landscape and ecological management plan and a construction environmental management plan; and |
| (31) | an additional condition relating to addressing sustainability, to be agreed in liaison with the Chairman of Planning Committee. |

(At 7.52pm, the meeting was adjourned for 10 minutes to allow for a comfort break.)

98. **W/20/0735 – 23 Mill End, Kenilworth**

The Committee considered an application from Mr Smith for the erection of a first floor extension over a garage.

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

The officer was of the opinion that the application was acceptable and was considered to comply with Local Plan Policies BE1, BE3, TR3, FW1, NE2 and NE4, and Neighbourhood Plan Policies KP13 and KP12. The application was therefore recommended for approval.

An addendum circulated prior to the meeting advised Members that the applicant had confirmed in writing their agreement to the recommended pre-commencement condition related to flood risk.

PLANNING COMMITTEE MINUTES (Continued)

The addendum also advised that WDC's Building Control Team had been consulted on the application and had advised that it would not require any further information prior to the determination of the Planning application. Instead it was considered that matters related to the loading on the culvert could be dealt with via an application for Building Regulations Approval.

Councillor Barry, representing Kenilworth Town Council, 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 Ashford and seconded by Councillor Morris that the application should be granted, with a note concerning protection of the culvert.

The Committee therefore

Resolved that W/20/0735 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | the development hereby permitted shall begin no later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 443.02, and specification contained therein, submitted on 18th May 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; |
| (3) | the development hereby permitted shall not commence unless and until details of proposed floor levels and flood proofing / resilience and resistance techniques have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with the approved details. Reason: In the interests of reducing occupant's risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029 and to secure a satisfactory form of development in accordance with the Environment Agency's Standing Advice; and |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(4)	a note concerning the protection of the culvert.

99. **W/20/1007 – Unit 3, Holly House, Queensway, Royal Leamington Spa**

The Committee considered an outline application from Queensway Conference Centre Ltd for the demolition of an existing workshop and the construction of a mixed use development, consisting of a complimentary health suite (D1), offices (B1) and 10no. flats (C3) with all matters reserved.

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

The site was a brownfield site within the Urban Area of Royal Leamington Spa. Local Plan policy H1 allowed for new residential development in these locations.

The officer was of the opinion that although the proposal was in outline form, the site was capable of accommodating a very high quality scheme at a level which was acceptable in overall terms, including in respect of the integration of built development within the surrounding landscape, and the site provided additional benefits in the form of a complimentary health suite to serve the local community.

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

The Committee therefore

Resolved that W/20/1007 be **granted** subject to the following conditions:

No.	Condition
(1)	details of the access, 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 2010 (as amended);
(2)	details of the access, appearance, landscaping, layout and scale of the development (hereinafter called 'the reserved matters') shall be submitted to and approved

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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); |
| (3) | application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended); |
| (4) | 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); |
| (5) | no development shall commence unless and until details of 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; |
| (6) | other than site clearance works, no development shall take place until a detailed Drainage Strategy, to demonstrate the existing and proposed drainage plans for the site shall be submitted and approved in writing by the Local Planning Authority. The strategy should include the following details: <ul style="list-style-type: none">• assessment of the nature of SUDS proposed to be used;• the allowable rates of run-off from the site;• demonstration that all surface water is managed on site for a range of events including an allowance for climate change; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <ul style="list-style-type: none">• an assessment of pre-development surface water flows and discharge rates;• the proposed allowance for an exceedance flow and overland flow routing; and• how surface water systems will be managed and maintained for their lifetime. |

The development shall be carried out in full accordance with the approved details and maintained as such thereafter. **Reason:** To ensure appropriate surface water drainage is provided on site in accordance with Policies FW1 and FW2 of the Warwick District Local Plan;

- (7) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for:
- the parking of vehicles of site operatives and visitors;
 - 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; and
 - a scheme for recycling / disposing of waste resulting from demolition and construction works.

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029; |
| (8) | <p>the development hereby permitted (including demolition) shall not commence until an updated bat survey of the site, (possibly to include appropriate activity surveys) in accordance with BCT Bat Surveys for Professional Ecologists- Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.</p> <p>Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;</p> |
| (9) | <p>no development above slab level shall commence until an environmental noise assessment has been carried out by a competent person. A report of that assessment together with recommendations for any necessary mitigation measures to comply with BS 8233:2014 "Sound Insulation and Noise Reduction in Buildings-code of practice and "World Health Organisation Guidelines For Community noise" shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be carried out strictly in accordance all the recommendations contained within the approved noise report prior to first occupation of the development. Thereafter the mitigation measures shall be maintained in accordance with the approved details. Reason: To protect the amenities of future occupiers in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (10) | <p>no development above slab level shall commence until details of appropriate noise insulation between the party walls/ceiling of the commercial use and residential units has been submitted to and approved in writing by the Local Planning Authority. Thereafter the mitigation measures shall be maintained in accordance with the approved details.</p> <p>Reason: To protect the amenities of future</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | occupiers in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029; |
| (11) | <p>prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:</p> <ol style="list-style-type: none">1) a preliminary risk assessment which has identified:<ul style="list-style-type: none">• all previous uses;• potential contaminants associated with those uses;• a conceptual model of the site indicating sources, pathways and receptors; and• potentially unacceptable risks arising from contamination at the site.2) a site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;3) the site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;4) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action; and5) a verification report containing the data identified in (4). |

Any changes to these components require the express consent of the District Planning

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | Authority. The scheme shall be implemented strictly as approved. Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029; |
| (12) | 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 in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared which shall be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029; |
| (13) | 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; |
| (14) | no development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | 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; |
| (15) | 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; |
| (16) | the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. Reason: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (17) | the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance has been submitted to and approved in writing by the Local Planning Authority and implemented in |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.
Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan; |
| (18) | construction works that are likely to give rise to off-site noise shall only take place between the hours of 10am to 4pm Monday to Friday, 8am to 1pm on Saturdays and at no time during Sundays of Bank Holidays. Reason: The buildings are closely adjoined by residential properties and the local planning authority considers it necessary to control the construction works in the interests of the amenities of the area in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (19) | no deliveries shall be taken at the site and no vehicle(s) shall enter or leave the site before 8am or after 4.30pm, Monday to Friday, before 8am or after 1pm on Saturdays or at any time on Sunday or Bank/Public Holiday. Reason: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (20) | delivery vehicles are not permitted to wait outside the construction site before the site is open for working. Reason: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (21) | the demolition and construction works shall be carried out in accordance with the following requirements: |

Noise

- best practicable means" shall be employed at all times to control noise. The Contractor shall employ the best practicable means to reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 'Noise Control on Construction and Open Sites';

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <ul style="list-style-type: none">• without prejudice to the generality of the Contractor's obligations imposed by the above statement, the following shall apply:• all vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order;• all compressors shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers;• whenever possible only electrically-powered plant and equipment shall be used;• acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative; and• all plant and machinery in intermittent use shall be shut down in the intervening periods between work. |

Dust

- unloading shall only take place within the site itself;
 - regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry conditions damping down of road surfaces should be carried out to control dust. a vehicle wheel wash will be provided to minimize carry-over to the highway; and
 - on-site dust shall be controlled by use of "best practicable means" to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials,
- 220

PLANNING COMMITTEE MINUTES (Continued)

No. **Condition**
crushing, compacting and cutting and grinding operations.

Smoke

- there shall be no burning on site.

Light

external work lighting, flood lighting, security lights must not cause light nuisance to neighbouring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare.

Reason: In the interests of the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE1 TR1 and NE5 of the Warwick District Local Plan 2011-2029;

(22) the overall height of the proposed building shall not exceed the overall ridge height of the development known as Monarch Court, Monarch Gardens. **Reason:** To ensure the development is in keeping with the character of the local area in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and

(23) the Complimentary Health Suite shall be limited to a maximum of 2 consulting rooms at all times and maintained in perpetuity. **Reason:** To comply with the parking standards of the Local Planning Authority and in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029.

100. **W/20/1531 – 8 The Close, Royal Leamington Spa**

The Committee considered an application from Ms Auila for the proposed erection of a single storey side and rear extensions.

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

The officer was of the opinion that the scheme was acceptable, having regard to the character of the street scene, the existing built form, and the impact on the amenity of neighbouring properties. Officers were also satisfied that the scheme would not result in harm to protected species.

PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated prior to the meeting advised Members that Royal Leamington Spa Town Council confirmed that Members raised no objection to this scheme, which omitted the previously proposed HMO conversion.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Dickson and seconded by Councillor Jacques that the recommendation in the report should be approved.

The Committee therefore

Resolved that W/20/1531 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | the development hereby permitted shall begin no later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved site location plan '4037-01B' submitted on the 29th September 2020, revised drawing '4037-02C' submitted on the 26th November 2020, and specification contained therein. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and |
| (3) | 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. |

101. **Planning Appeals Report**

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

Resolved that the report be noted.

(The meeting ended at 8:43pm)

PLANNING COMMITTEE MINUTES (Continued)

CHAIRMAN
2 February 2021