

# Planning Committee

Minutes of the meeting held on Tuesday 19 July 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

**Present:** Councillor Boad (Chairman); Councillors B Gifford, Kennedy, Norris, and Tangri.

**Also Present:** Deputy Monitoring Officer and Democratic Services Manager – Graham Leach

## 34. Meeting Adjournment

The Chairman adjourned the meeting until 6.00pm on Wednesday 20 July 2022.

(The meeting was adjourned at 6.00pm)

Resumption of the adjourned Planning Committee meeting held on Wednesday 20 July 2022 at the Town Hall, Royal Leamington Spa at 6.00pm

**Present:** Councillor Boad (Chairman); Councillors R. Dickson, B Gifford, Jacques, Kennedy, Margrave, Morris, Murphy, Norris, Quinney, and Tangri.

**Also Present:** Committee Services Officer – Sophie Vale; Legal Advisor – Ross Chambers; Development Manager – Gary Fisher; Business Manager – Rob Young, Principal Planning Officer – Helena Obremski (remote), and Dave Pilcher (Highways Department Warwickshire County Council)

## 35. Apologies and Substitutes

Apologies were received from Councillors Noone and Morris.

## 36. Declarations of Interest

There were no declarations of interest made.

## 37. Site Visits

To assist with decision making, Councillors Dickson, Jacques, Kennedy, Murphy, Norris, and Quinney had visited the following application sites:

W/22/0348 – New Teaching Block, Myton School, Myton Road, Warwick

W/21/1493 – 1 Rock Cottages, Warwick Road, Leek Wootton

W/22/0420 – 23 High Street, Kenilworth

W/22/0421 LB – 23 High Street, Kenilworth

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

### **38. Minutes**

The minutes of the meeting held on 4 May 2022 were approved as a correct record, subject to the addendum circulated at the meeting, as per Appendix A to these minutes.

### **39. W/22/0212 – 48 New Street, Kenilworth**

This item was withdrawn from the agenda.

### **40. W/22/0213/ LB – 48 New Street, Kenilworth**

This item was withdrawn from the agenda.

### **41. W/22/0348 – New Teaching Block, Myton School, Myton Road, Warwick**

The Committee considered an application from Myton School for the erection of a two-storey teaching block with associated landscaping and parking, following the demolition of a single storey brickwork derelict caretaker's bungalow and a single storey brickwork cycle storage enclosure.

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

The officer was of the opinion that the proposed development of a new teaching block on an allocated major education site within the Local Plan was considered to be acceptable in principle. It would have an acceptable impact on neighbouring amenity, highway safety, air quality, trees, drainage, ecology, and the character of the area. Subject to conditions, the proposal was considered to be acceptable. It was therefore recommended for approval.

An addendum circulated prior to the meeting advised the following:

- Condition 3 (Tree Protection Measures)- an Arboricultural Method Statement was submitted following the publication of the committee report. This was assessed by the Council's Tree Officer who confirmed that it was acceptable. Therefore condition 3 should be deleted and replaced with the following compliance condition:

*"No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or*

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

*structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s)."*

- Condition 4 (BREEAM Requirements) - the applicant provided a "Design Stage Assessment" by an accredited BREEAM assessor demonstrating that the development would be designed and constructed to achieve as a minimum BREEAM standard 'very good'. Therefore, the first part of proposed condition 4 had been addressed and the condition should be updated to require only a "Completion Stage Assessment" by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' within 3 months of occupation of the development.
- Condition 5 (Requirement for provision of a Sustainability Statement) - a Sustainability Statement had been provided by the applicant. Officers reviewed this and whilst it was broadly acceptable, it required some minor alterations to ensure that it met with the requirements of condition 5. The applicant was in the process of making these updates. If Members resolve to grant permission, Officers request that delegation be given to amend condition 5 to a compliance condition, if an acceptable Sustainability Statement was provided prior to a decision being issued.
- Condition 6 (Requirement for provision of a Protected Species Method Statement) - an updated Protected Species Method Statement had been provided by the applicant and assessed by WCC Ecology, who confirmed that it was acceptable. Condition 6 should therefore be amended to a compliance condition with the submitted details.
- Additional Public Responses:
  - 1 email addressed from 16 neighbours from Myton Gardens referring to matters stated in the summary of representations (supporting documents unclear and misleading; unclear purpose for proposal; previous permission more sympathetic; lack of consideration of neighbours).
  - 1 letter from immediate neighbour referring to matters stated in the summary of representations (lack of masterplan for whole site; unclear aims for proposal; overdevelopment of the site; overshadowing and loss of light; impact on local traffic; lack of adequate parking; build quality; biodiversity report inaccurate; construction management plan unacceptable – impact on nearby residential parking).

The following people addressed the Committee:

## PLANNING COMMITTEE MINUTES (Continued)

- Councillor Cross, Warwick Town Council, objecting; and
- Mr Beaumont, objecting.

In response to a question from Members, the WCC Highways Department officer noted that there would be a school travel plan implemented, and that concerns regarding the space at the front of the proposed block becoming a drop-off point could be raised within that.

The Principal Planning Officer explained that the applicant had used surveys of current usage by current students in order to reach the conclusion that 20% of students would cycle to school. Demand was worked out on a needs basis and the plan allowed for the monitoring of cycling so storage space could be increased if necessary. However, a note could be added to encourage the applicant to increase this number.

Regarding concerns about increased traffic flow due to the increase in students, the WCC Highways Department officer stated that Transport Planning had assessed the current vehicle flow in the area, and its projected increase. They did not believe that there were any concerns at the moment in time.

In response to a question from Members, the Principal Planning Officer agreed that a note could be added to encourage ongoing negotiations between the developers and the school to increase the safety of pupils during construction.

Members raised concerns about the sustainability of the proposal, but the Principal Planning Officer reassured members that there were policy requirements and conditions already in place to increase sustainability. For example, all the energy sources would be electric. At the request of a Councillor, a note requesting the inclusion of bird boxes for swifts could be added to further encourage sustainability.

The Principal Planning Officer also clarified that a BREEAM rating of 'very good' was the minimum requirement in the Local Plan, so there would be no material consideration for adding a condition to require a higher rating.

The Development Manager added that it could sometimes be difficult to achieve an 'excellent' BREEAM score. However, he offered to include a detailed advisory note that covered all the concerns raised and that would encourage the applicant to reach Members' expectations.

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

The Committee therefore

**Resolved** that W/22/0348 be **granted** subject to

- a) an advisory note to be written by officers, encouraging safety management as part of the

## PLANNING COMMITTEE MINUTES (Continued)

Construction Management Plan; swift boxes; seeking a higher proportion cycling to the site; and striving for a better BREEAM rating; and

b) the following conditions:

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | <p>the development hereby permitted shall begin no later than three years from the date of this permission.</p> <p><b>Reason:</b> To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p>   |
| (2)        | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:</p> <p>21041-CW-ZZ-01-DR-A-0303 Rev P0 (first floor plan) and 21041-CW-ZZ-RF-DR-A-0304 Rev P0 (roof plan) submitted on 23rd February 2022; and,</p> <p>MSTB-CW-XX-ZZ-DR-A-2100 Rev P-01 (north and south elevation) and MSTB-CW-XX-ZZ-DR-A-2101 Rev P-00 (east and west elevation) submitted on 1st June 2022; and,</p> <p>MSTB-CW-ZZ-ST-DR-A-2000 Rev P-04 (ground floor plan) submitted on 17th June 2022; and,</p> <p>MSTB-CW-ZZ-ST-DR-A-0300 Rev P-04 (site plan - huts to be demolished and cycle storage) submitted on 5th July 2022,</p> <p>and specification contained therein.</p> <p><b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (3)        | <p>no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels</p>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | <p>shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).</p> <p><b>Reason:</b> 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>a Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority within 3 months of first occupation.</p> <p><b>Reason:</b> To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029;</p>  |
| (5)        | <p>the building shall not be occupied until the works within the approved Sustainability Statement, submitted to the Local Planning Authority on 22nd July 2022, 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.</p> <p><b>Reason:</b> To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019);</p>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
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| (6)        | <p>the development hereby permitted shall be carried out in full and strict accordance with the approved protected species method statement, submitted to the Local Planning Authority on 19th July 2022.</p> <p><b>Reason:</b> To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011 – 2029;</p>  |
| (7)        | <p>the development hereby permitted shall not be occupied, until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of native tree and shrub planting, wildflower grassland, pollinator-friendly planting and locations/types of bird and bat boxes and hedgehog holes in fencing shall be provided. Such approved measures shall thereafter be implemented in full.</p> <p><b>Reason:</b> To ensure a net biodiversity gain in accordance with NPPF;</p> |
| (8)        | <p>prior to occupation of the hereby approved development, a car parking strategy shall be submitted to and approved in writing by the Local Planning Authority which details when the two temporary huts are to be demolished as shown on the approved site plan and how car parking will be managed during the transitional phase between the new development being completed and temporary huts being demolished.</p> <p><b>Reason:</b> To ensure that the development provides adequate vehicle parking in accordance with Policy TR3 of the Warwick District Local Plan 2011 – 2029;</p>   |
| (9)        | <p>prior to the installation of any bin or cycle stores, full details of the design and scale of the structures shall be submitted to and agreed by the Local Planning Authority.</p> <p><b>Reason:</b> To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with</p>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
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|            | Policy BE1 of the Warwick District Local Plan 2011-2029;  |
| (10)       | <p>there shall be no occupation of the hereby approved development unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority, based on the principles set out within drawing (03)001 Rev E (landscape masterplan) submitted to the Local Planning Authority on 30th June 2022. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.</p> <p><b>Reason:</b> To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;</p> |
| (11)       | <p>no external light fittings and external light columns shall be installed unless and until details of the light fittings and light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full</p>   |



## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
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|            | <p>accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the southern and north-eastern side of the development and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:</p> <ul style="list-style-type: none"><li>• Lighting should be directed away from vegetated areas</li><li>• Lighting should be shielded to avoid spillage onto vegetated areas</li><li>• The brightness of lights should be as low as legally possible;</li><li>• Lighting should be timed to provide some dark periods;</li><li>• Connections to areas important for foraging should contain unlit stretches.</li></ul> <p><b>Reason:</b> In accordance with NPPF, ODPM Circular 2005/06;</p> |
| (12)       | <p>in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.</p> <p><b>Reason:</b> To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;</p>   |
| (13)       | <p>prior to occupation of the development, the applicant shall submit a School Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations)</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
	so approved shall continue to be implemented in full at all time. The plan shall: <ol style="list-style-type: none"><li>specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;</li><li>set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;</li><li>explain and justify the targets and measures by reference to the Transport Assessment;</li><li>identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.</li></ol>

**Reason:** In the interest of promoting sustainable transport methods and reducing the reliance on the private vehicle in accordance with the requirements of Policy TR2 of the Warwick District Local Plan and the NPPF;

- (14) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas and secure cycle storage areas indicated on drawings (03)001 Rev E (landscape master plan - car parking) and MSTB-CW-ZZ-ST-DR-A-0300 Rev P-03 (site plan - cycle stores) have been provided and 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;

- (15) 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

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | 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.<br><br><b>Reason:</b> 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)       | no development shall be carried out above slab level unless and until samples of the external facing materials and details of the colour of the windows and doors 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.<br><b>Reason:</b> 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;   |
| (17)       | the development hereby approved shall be carried out in strict accordance with the following plans and drawings:<br><br>BREEAM Pre-Assessment Report – (495)2211-SB-PA-Myton_Sch_R01 , Rev: 01<br>Contaminated Land Assessment – AG1806-13-Q06<br>Design and Access Statement – 21041-8000-000<br>Myton School Pre Application Response<br>Myton School Topographical Survey – 40248/1<br>Proposed Elevations – 21041-CW-ZZ-ZZ-DR-A-0310 , Rev: P0<br>Proposed Roof Plan – 21041-CW-ZZ-RF-DR-A-0304 , Rev: P0<br>Proposed Sections – 21041-CW-ZZ-ZZ-DR-A-0330 , Rev: P0<br>Proposed Site Location Plan – 21041-CW-ZZ-ST-A-0300 , Rev: P0<br>Existing Site Plan – 21041-CW-ZZ-ST-DR-A-0200 , Rev: P0 |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | Flood Risk Assessment, Myton School Sixth Form – EW369-FRA<br>MTSB-SBK-01-XX-DR-C-500-P04 - Drainage Design<br>MTSB-SBK-01-XX-DR-C-510 - Drainage Construction Details<br>MTSB-SBK-XX-XX-RP-C-001 - Tanked Permeable Paving 100y + 40%CC<br>Myton Wastewater – STW Asset Record 1044380 - BA Greenfield DEV ENQ (S) Myton Road, Warwick – Flattened<br>A3L_Sewer_Tabular - Myton Road School Topographical Survey – U07742/1<br>Ground Investigation – AG1806-13-Q06;   |
| (18)       | prior to first use of the development hereby permitted, the mitigation measures contained in the approved air quality mitigation statement, submitted to the Local Planning Authority on 24th March 2022, shall be implemented in full. The approved mitigation measures shall then be retained thereafter and shall not be altered in any way without expressed written consent from the local planning authority.<br><br><b>Reason:</b> To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan; |
| (19)       | the hereby approved development shall be carried out in strict accordance with the details contained within the approved Construction Management Plan submitted to the Local Planning Authority on 30th June 2022.<br><br><b>Reason:</b> 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;   |
| (20)       | noise arising 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). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone  |

## PLANNING COMMITTEE MINUTES (Continued)

**No.** (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

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

(21) notwithstanding the details shown on the approved plans, prior to the occupation of the development hereby permitted, the side facing windows in the east elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times.

**Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029;

### 42. **W/21/1493 – 1 Rock Cottages, Warwick Road, Leek Wootton**

The Committee considered an application from Mrs Cusdin for the demolition of an existing garage & erection of a three-bedroom dwellinghouse with associated works.

The application was presented to Committee because of an objection received from the Parish Council.

The officer was of the opinion that the application should be granted, subject to the conditions outlined in the report.

The following people addressed the Committee:

- Councillor Coates, Town Councillor, objecting; and
- Mr Watson, objecting.

The Development Manager noted that there was an existing residential property close to the boundary of the village hall, but Environmental Health did not believe that there were grounds for Members to refuse the application based on issues with noise. He also stated that the distance between the proposed building and the village hall was approximately 1m. Despite this close proximity, the building itself could act as a noise shield

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

and Environmental Health had no objections, so therefore any additional conditions regarding noise insulation would not be appropriate.

However, he did suggest that a condition requesting the applicant to submit details of any noise nuisance mitigation through development could be added.

In response to questions, the Development Manager reassured Members that the trees and hedges would remain as it was.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Norris and seconded by Councillor Gifford that the application should be granted subject to the conditions in the report and the additional condition suggested by the Development Manager.

The Committee therefore

**Resolved** that W/21/1493 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (1)        | the development hereby permitted shall begin not later than three years from the date of this permission.<br><br><b>Reason:</b> 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 '21.007-01a' submitted on the 6th August 2021, approved drawings '21.007-03f', '21.007-04H' submitted on the 29th April 2022, and specification contained therein.<br><br><b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3)        | notwithstanding the details contained within the approved documents, prior to commencement of development other than site clearance, preparation works or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | <ul style="list-style-type: none"><li>a) How the development will reduce carbon emissions and utilise renewable energy;</li><li>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;</li><li>c) Details of the building envelope (including U/R values and air tightness);</li><li>d) How the proposed materials respond in terms of embodied carbon;</li><li>e) 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,</li></ul> |

The dwelling shall not 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);

- (4) the development hereby permitted (including demolition) shall not commence until further bat surveys 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

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;  |
| (5)        | <p>the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.</p> <p><b>Reason:</b> To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;</p> |
| (6)        | <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 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:</p>  |



## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
	<p>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;</p> <p>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 &amp; Construction - Recommendations; and</p> <p>c) a 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 &amp; Construction) which also includes any proposal for pruning or other preventative works.</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;

- (7) 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. The new dwelling shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure the creation of well-designed and sustainable buildings and to

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;  |
| (8)        | <p>prior to the occupation of the dwelling hereby permitted, two 16amp (minimum) electric vehicle recharging point 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 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).</p> <p><b>Reason:</b> To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;</p> |
| (9)        | <p>the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring area for the new dwelling has been provided in accordance with the details shown on the approved drawings and thereafter that area shall be marked out and retained in perpetuity for use at all times.</p> <p><b>Reason:</b> To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029;</p>   |
| (10)       | <p>the existing trees and shrubs indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any trees or shrubs removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
	substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with trees and shrubs of the same size and species as that originally planted . All trees and shrubs shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces).

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

(11) no development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details.

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

(12) prior to the commencement of the development hereby permitted a detailed combined ecological and landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The plan should include details of habitat enhancement/creation measures such as native species planting, tree and hedgerow planting and provision of bat/bird boxes, and hedgehog boxes. The agreed scheme shall thereafter be implemented and retained in strict accordance with the approved details.

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

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | interests of the visual amenities and ecology of the area in accordance with the NPPF and Policies BE1 and NE4 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.<br><br><b>Reason:</b> To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; and |
| (14)       | an additional condition for the applicant to submit details of the means by which any noise nuisance would be reduced by the design of the development.  |

### 43. **W/22/0420 – 23 High Street, Kenilworth**

The Committee considered an application from Mr Secher for a proposed installation of replacement windows, first floor rear extension to create a shower room, and a proposed installation of rear bi-fold doors and canopy projection.

The application was presented to Committee at the request of Councillor Hales.

The officer was of the opinion that the application be refused.

An addendum circulated at the meeting advised that a set of revised plans/elevations had been submitted illustrating minor revisions to the proposed alterations at rear ground floor level of the site. Namely, proposed French doors had been replaced by units featuring glazing panels, and the glazed canopy had been reduced in scale. The proposed first floor rear extension remained unchanged. An additional heritage statement document had also been submitted.

The following people addressed the Committee:

- Mr Secher, supporting; and
- Councillor Hales, District Councillor, supporting.

In response to questions from Members, the Business Manager stated that Tudor buildings need to have single-glazed windows to preserve the character of the building. He explained that the NPPF advises that great

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

weight should be given to preservation when considering heritage assets such as this Grade II listed property.

The Development Manager added to this, stating that the Council had a duty to protect heritage assets. He referred to a policy which stated that Members must give "special regard to the desirability to preserving a listed building or its setting or any features of architectural or historic interest which it possesses".

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, proposed by Councillor Margrave, and seconded by Councillor Norris that the application be granted against officer's recommendation. This was because they felt that the proposal would not have a negative impact on the conservation of the heritage of the house.

However, the result was 5-5, meaning that the Chairman had the casting vote as per Council procedure. The Chairman stated that he would go along with officer's recommendation for refusal. It was then proposed by Councillor Quinney and seconded by Councillor Jacques that the application should be refused.

The Committee therefore

**Resolved** that W/22/0420 be **refused** for the following reasons:

- | <b>No.</b> | <b>Refusal Reasons</b>  |
|------------|---|
| (1)        | Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policy KP13H sets out a number of design characteristics that should be upheld to retain the unique features and character of the High Street. |

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the first-floor rear extension. This addition is viewed as inappropriate in terms of design and layout, failing to preserve or enhance the historic architectural features of the listed building. No public benefits have been identified to sufficiently outweigh this harm.

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

## PLANNING COMMITTEE MINUTES (Continued)

### 44. **W/22/0421/LB – 23 High Street, Kenilworth**

The Committee considered an application from Mr Secher for a proposed installation of replacement windows, first floor rear extension to create a shower room, and a proposed installation of rear bi-fold doors and canopy projection.

The application was presented to Committee at the request of Councillor Hales.

The officer was of the opinion that the application for Listed Building Consent be refused.

An addendum circulated at the meeting advised that a set of revised plans/elevations had been submitted illustrating minor revisions to the proposed alterations at rear ground floor level of the site. Namely, proposed French doors had been replaced by units featuring glazing panels, and the glazed canopy had been reduced in scale. The proposed first floor rear extension remained unchanged. An additional heritage statement document had also been submitted.

The following people addressed the Committee:

- Mr Secher, supporting; and
- Councillor Hales, District Councillor, supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Murphy that the application should be refused in accordance with officer's recommendations.

The Committee therefore

**Resolved** that W/22/0421/LB be **refused** for the following reasons:

<b>No.</b>	<b>Refusal Reasons</b>
(1)	Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policy KP13H sets out a number of design characteristics that should be upheld to retain the unique features and character of the High Street.

## PLANNING COMMITTEE MINUTES (Continued)

### **No.**

### **Refusal Reasons**

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the first floor rear extension. This addition is viewed as inappropriate in terms of design and layout, failing to preserve or enhance the historic architectural features of the listed building. No public benefits have been identified to sufficiently outweigh this harm.

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

#### **45. W/22/0511 – 20 Siddeley Avenue, Kenilworth**

The Committee considered an application from Mr Baker for the erection of a two-storey side extension and front porch and canopy roof.

The application was presented to Committee as more than 5 public responses object to the application. It was recommended for approval.

The proposals were considered to have an acceptable impact on the character and quality of the street scene through the proposed layout, building materials and scale of the development. The proposals would also have an acceptable impact on the living conditions of neighbouring dwellings. The proposals were therefore in accordance with Local Plan Policies BE1 and BE3. It was recommended this application be granted.

The following people addressed the Committee:

- Miss Worrall, objecting

In response to questions from Members, the Development Manager stated that the 45-degree line was drawn from the midpoint of the first-floor window and that officers found this have no negative impact as the degree line missed the corner of the neighbouring window. This meant that the proposal was acceptable in principle.

The Development Manager stated that the totality of this proposal did require planning permission because of the way that it was designed, but a substantial proportion of the ground floor element could be undertaken under permitted development rights, which would have a similar impact on the shared driveway.

Responding to concerns raised about the front of the property and potential detriment to the street scene, the Development Manager noted that a canopy/porch would be added to the front of the house, which would indeed make the property look different to the surrounding properties but that it would not be anomalous or have a significantly negative impact. He also clarified that the proposed extension on the side of the property would

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

not affect the parking ability of the neighbouring property in accordance with parking standards.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Norris and seconded by Councillor Quinney that the application be refused contrary to officer's recommendation due to concerns about the street scene and how the extension would affect use of the driveway. However, the result was 4-6, meaning that the vote to refuse the application was lost.

It was proposed by Councillor Jacques and seconded by Councillor Kennedy that the application be granted in line with officer's recommendations.

The Committee therefore

**Resolved** that W/22/0511 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (1)        | the development hereby permitted shall begin no later than three years from the date of this permission.<br><br><b>Reason:</b> 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 4039-04E, and specification contained therein, submitted on 07/06/2022.<br><br><b>Reason:</b> 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)        | all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building.<br><br><b>Reason:</b> 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.   |

### **46. W/22/0701 – 7 Arundel Close, Warwick**

The Committee considered an application from Mr Davy for the erection of a single storey front extension and conversion of garage.



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

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

The officer was of the opinion that the application was considered harmful to neighbouring residential amenity by reason of loss of light and outlook. The development was therefore contrary to Local Plan Policy BE3 and was recommended for refusal.

The following people addressed the Committee:

- Mr Darcy, supporting

In response to questions from Members, the Business Manager stated that in officers' opinion, the addition of the pitched roof aspect conflicted with policy. However, the feeling amongst Members was that this aspect would make little difference to the neighbouring property. There had also been no objection submitted by those neighbours.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Gifford and seconded by Councillor Quinney that the application should be granted because Members felt that there would be no real worsening of the next-door property's amenity.

The Committee therefore

**Resolved** that W/22/0421/LB be **granted**, contrary to officer's recommendations subject to conditions to be agreed by the Chair of the Planning Committee in consultation with officers.

### **47. W/22/0549 – The Old Dole Office, Crown Building, Spencer Yard, Royal Leamington Spa**

The Committee considered an application from Complex Development Projects for the demolition and extension of outbuilding with proposal for a rendered second floor wall adjoining the former Dole Office. Omission of proposed balcony and entrance screen as approved under application W/20/2134 (Extensions, alterations and change of use to office space (Use Class E)).

The application was presented to Committee because Warwick District Council own the site.

The officer was of the opinion that the proposals would generate significant public benefits, including making a major contribution to the regeneration of the Creative Quarter and securing the long-term use of an important building. The proposals were considered to be acceptable in terms of design, the impact on nearby heritage assets, the impact on neighbouring properties, parking / highway safety, ecological impacts, air quality and the other detailed matters assessed above. Therefore, it was recommended that planning permission be granted.

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

An addendum circulated at the meeting advised of the following:

- *Flooding-* Warwickshire County Council as the Lead Local Flood Authority (LLFA) reviewed the application. The LLFA noted that this application proposed to make minor changes to a previously approved application (Ref: W/20/2134) for which the LLFA in response to that application provided no comment. They advised that having reviewed the information submitted within [W/20/2134] application and given the previous response, the LLFA would be acquiescent to the approval of this planning application. However, they consider that additional information should be provided in order to better understand the implications of the scheme in regard to flooding:

*'The LLFA would welcome clarification on the below points. The proposed discharge rate from the site into the existing surface water sewer. As per the Warwick District Local Plan it would ordinarily be expected that the discharge rate from the site would be set to QBar but we accept that this may diverge from what was previously approved under planning ref W/20/2134. Following on from the above point, further clarification should be provided on what attenuation/SuDS will be incorporated within the drainage strategy. The LLFA notes that the site masterplan includes small areas of landscaping which could be designed as bio-retention /raingarden SuDS areas and be used to drain the site and perhaps provide betterment of the site or alternatively could permeable paving be used instead of tarmac.'*

The LLFA advised that their concerns might be overcome through the submission of further information which demonstrated that the development would not increase risk elsewhere and where possible reduces flood risk overall. It was recommended that such information be secured by pre-commencement condition, an approach which had been supported by the LLFA.

- *Parking-* Following further scrutiny of the plans, it was considered that the proposed extension to the rear of the building increases the parking requirement (in accordance with the Parking SPD) by 3 parking spaces. The extension did not trigger the need for an additional cycle space. As stated in the Officer's report, the development already provided a significant shortfall of parking spaces at the site. Despite a need for a further 3 spaces (35 in total required to comply with the SPD), Officers consider that the same conclusions should be drawn to those set out in the report; despite the increase in parking requirement, significant weight must still be attached to the previous approval for the conversion of the office (W/20/2134), which was extant and could be implemented in the event that planning permission for the current proposal was refused. The public benefits of bringing this redundant building back into use in a highly sustainable location, despite the higher parking requirement, were still considered to outweigh the harm resulting from a lack of parking provision. This was therefore not considered a reason for refusal.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was

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

proposed by Councillor Quinney and seconded by Councillor Kennedy that the application should be granted.

The Committee therefore

**Resolved** that W/22/0549 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | <p>the development hereby permitted shall begin not later than three years from the date of this permission.</p> <p><b>Reason:</b> To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p>  |
| (2)        | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2362.03.1000-RevP, 2362.03.1100-RevP, 2362.03.1101-RevP, 2362.03.1102-RevP, 2362.03.1103-RevP, 2362.03.1200-RevP, 2362.03.1201-RevP, 2362.03.1202-RevP and specification contained therein, submitted on 29th March 2022.</p> <p><b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p>  |
| (3)        | <p>noise arising 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). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.</p> <p><b>Reason:</b> To protect the living conditions of nearby dwellings, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan;</p> |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (4)        | 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;

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|-----|--|
| (5) | prior to the occupation of the development hereby permitted, one 7kW (minimum) electric vehicle recharging point 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 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; (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 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;

- |     |  |
|-----|--|
| (6) | no development shall be carried out above slab level unless and until samples of the external facing and landscaping materials to be used have been submitted to and |
|-----|--|

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.   |
|            | <b>Reason:</b> 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 HE1 of the Warwick District Local Plan 2011-2029;  |
| (7)        | <p>no part of the development hereby permitted shall be used for any purpose falling within Class E (b) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), unless and until:</p> <ul style="list-style-type: none"><li>a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve the premises;</li><li>b) the results of the odour assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and</li><li>c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details. The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.</li></ul> |
|            | <b>Reason:</b> To protect the living conditions of nearby dwellings, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan;  |
| (8)        | 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)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | thereafter those areas shall be kept marked out and available for such use at all times.<br><br><b>Reason:</b> 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;   |
| (9)        | 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.<br><br><b>Reason:</b> 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;  |
| (10)       | the development hereby permitted shall not be occupied or brought into first use unless and until:<br><br>a) a Green Travel Plan has been submitted to and approved in writing by the local planning authority; and<br>b) the Green Travel Plan approved under (a) has been implemented in strict accordance with the approved details.<br><br>The Green Travel Plan shall include provision for active travel to and from the site, including cycle parking.<br><br>Once implemented the Green Travel Plan shall not be withdrawn or amended.<br><br><b>Reason:</b> In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029; and |
| (11)       | the development hereby permitted shall be undertaken in the presence of a qualified   |

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
	<p>bat worker appointed by the applicant to supervise all destructive works to the roof of to the building. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent survey work, recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. Reason: To ensure that protected species are not harmed by the development and to satisfy the criteria of Local Plan Policy NE2. In order to discharge the condition above a brief report from the bat worker must be submitted to and approved by the local Planning Authority (with advice from WCC Ecological Services).</p>

### 48. **W/22/0653 – 35 Southway, Royal Leamington Spa**

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

The application was presented to Committee because of the number of objections received, including one from the Town Council. The recommendation was for approval.

The officer was of the opinion that the proposed change of use was considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity. There would be no increased demand in parking as a result of the change of use. The proposed change of use was therefore recommended for approval.

In response to questions from Members, the Business Manager noted that there would be no changes to on-street parking.

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

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

The Committee therefore

**Resolved** that W/22/0653 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved proposed floor plan, and specification contained therein, submitted on 19th April 2022 |

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

- |     |  |
|-----|--|
| (2) | the total number of bedrooms shall not exceed 4. |
|-----|--|

**Reason:** To ensure satisfactory living conditions for occupiers of the dwelling and to ensure the satisfactory provision of off-street parking in accordance with the local planning authority's Parking Standards and in the interests of residential amenity and highway safety in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.

### 49. **W/22/0792 – The Limes, Chessetts Wood Road, Lapworth**

The Committee considered an application from Mr & Mrs Stokes for the erection of single storey front extension.

The application was presented to Committee because of an objection received from the Parish Council.

The officer was of the opinion that the proposal was of an acceptable design that would not present a negative effect to the amenity of neighbouring properties and represents appropriate development within the Green Belt.

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

The Committee therefore



## PLANNING COMMITTEE MINUTES (Continued)

**Resolved** that W/22/0792 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (1)        | <p>the development hereby permitted shall begin not later than three years from the date of this permission.</p> <p><b>Reason:</b> To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p>   |
| (2)        | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3268-SK-020, 3268-SK-040, 3268-SK-041, 3268-SK-042, 3268-SK-043, and specification contained therein, submitted on 11th May 2022.</p> <p><b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p>   |
| (3)        | <p>all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building.</p> <p><b>Reason:</b> 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;</p>  |
| (4)        | <p>the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent survey work, recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding</p> |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | any requirement for remedial work or otherwise, the qualified bat worker's report (to include any evidence found of presence or absence) shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.   |
|            | <b>Reason:</b> 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; and   |
| (5)        | no part of the development hereby permitted shall be first occupied unless and until a scheme for the provision of 2 nest boxes for swifts and 1 bat box to be erected on buildings within the site has been submitted and approved in writing by the County Planning Authority and implemented in accordance with the approved details. The scheme shall include details of box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. |
|            | <b>Reason:</b> To enhance the nature conservation value of the site.   |

### 50. **W/22/0820 – Forge Farm, Pinley Lane, Pinley, Claverdon**

The Committee considered an application from Mr & Mrs Oliver for the change of use of existing stables and buildings to farriery and treatment of horses.

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

The officer was of the opinion that the application was that the retrospective change of use of the site was considered to be acceptable in principle. The development comprised of a change of use of existing buildings to a traditional rural enterprise, which constituted appropriate development within the Green Belt. The development was not considered to have a harmful impact on visual amenity and would have an acceptable impact on the highway network and protected species. For these reasons, the application was recommended for approval.

An addendum circulated at the meeting advised of additional public responses:

- 2 Objections:

## PLANNING COMMITTEE MINUTES (Continued)

- The application was in the Green Belt.
- The site of the location had only recently been given a formal name. It was not a farm and never had been. It was a series of wooden stables and barns.
- The surrounding council owned hedge banking Forge Farm, Pinley Lane had been extensively cut back to allow a better visibility although this did not improve the visibility and was detrimental to the wildlife.
- There was evidence that a business was already being carried out at the site; the Applicant stated he wants to regularise this. Does this mean that the applicant was currently operating without permission?
- The supporting statement stated that the current enterprise was predominantly based as a livery but was to change to that of a farrier business and doggy day care. There was no mention of doggy day care in the planning application and a previous application for doggy day care had previously been refused. This would also generate more traffic on an increasingly busy lane.
- It was stated that the applicant intends to develop and expand the business which would of necessity, significantly increase the amount of traffic on Pinley Lane.
- This road was a lane, had no kerbs or drainage and there was not enough room for two vehicles to pass each other. Should this be necessary then this obviously involves one, if not both, vehicles mounting the verge, thereby eroding the edge of the lane. Mud was often spread across the road causing dangerous conditions. Even riding the horse or bike you were unable to remain on the road when a car comes, let alone a horsebox or trailer.
- Concerns regarding additional traffic and highway safety implications.
- Laminitis was normally treated at the horse's location, so unsure that this claim was reasonable.
- Queries regarding the postcode for the site.

In response to a question from Members, the Principal Planning Officer explained that the potential 'doggy day care' could not be considered as the previous application that did include the day care was withdrawn. Officers were now under the impression that the day care was offsite, although the applicant might bring the dogs to the site for short periods of time when tending to the horses.

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

The Committee therefore

**Resolved** that W/22/0820 be **granted** subject to the following conditions:

<b>No.</b>	<b>Condition</b>
(1)	the development hereby permitted shall be retained strictly in accordance with the

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | <p>details shown on the site location plan and approved drawings KCC3086/03B 05/22ec (Block Plan Rev B), KCC3086/06 10/21pg (Forge Elevations and Floor Plan), and KCC3086/12 04/22cb (Elevations and Floor Plan - Stables), and specification contained therein, submitted on 16th May 2022.</p> <p><b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p>   |
| (2)        | <p>there shall be no further use of the site unless and until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 90 metres to the near edge of the public highway carriageway, in accordance with the details on submitted drawing KCC3086/09 02/22ec. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.</p> <p><b>Reason:</b> 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; and</p>  |
| (3)        | <p>there shall be no further use of the site unless and until details of the vehicular access to be widened to a width of no less than 5 metres for a distance of at least 10 metres, as measured from the near edge of the public highway carriageway and to be surfaced with a bound material for a minimum distance of 10 metres as measured from the near edge of the public highway carriageway, have been submitted to and approved in writing by the Local Planning Authority. There shall be no further use of the site until the approved aforementioned access details are implemented in full.</p> <p><b>Reason:</b> In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.</p> |

**PLANNING COMMITTEE MINUTES (Continued)**

**51. Appeals Report**

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

**Resolved** that the report be noted.

(The meeting ended at 9.12pm)

CHAIRMAN  
17 August 2022

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

### **Appendix A – The Addendum referred to in Minute number 38**

#### **Addendum to the minutes 4 May 2022**

#### **Minute 191 W/22/0140 – Warwick Castle, Castle Hill, Warwick**

That an additional paragraph is included as follows:

*"In respect to a question on the application regarding para 200 of the NPPF, regarding potential substantial harm and impact on a grade 1 heritage asset in this case development should be considered to be wholly exceptional, the Principal Planning officer explained, there is harm to the setting but it is deemed less than substantial. It is still given significant weight because of grading but taking view of Heritage England and the Council's Conservation Officer, officers were of the view that this harm is outweighed by the overall public benefit of the application."*

#### **Minute 192 - W/19/0531 – Milverton House, Court Street, Leamington Spa**

That the following text is replaced:

*"In response to questions from Members, the Business Manager acknowledged that it was unfortunate that we would not be getting affordable housing, but as this application had been independently assessed there was no reasonable justification to go against this advice. In response to a follow-up question from the Chairman, the Business Manager stated that the developer needs to be viable, so if there were further issues, they could always come back to the Committee again."*

*To add further clarification, the Legal Advisor stated that when this application was submitted was irrelevant, as it had been assessed and we had been told what contribution the developer could viably make. The Chairman added to this, saying that the planning application had already been determined but that the formal documentation for the decision had not yet been sent out. This application was then followed up by the viability assessment, and the evaluation was considered to be a reasonable figure.*

*Councillor Quinney suggested that, as it had been 18 months since planning permission was granted, a satisfactory s106 agreement had not been reached and no development had taken place, it was not unreasonable to "go back to the drawing board". However, the Chairman disputed this, stating that, based on past experience, this could give the developer grounds for appeal."*

Is replaced with the following

*"In response to questions from Members, the Business Manager acknowledged that it was unfortunate that we would not be getting affordable housing, but as this application had been independently assessed there was no reasonable justification to go against this advice. In response to a follow-up question from the Chairman, the Business Manager stated that the developer needs to be viable, so if there were further issues, they could always come back to the Committee again."*

*To add further clarification, the Legal Advisor stated that when this application was submitted was irrelevant, as it had been assessed and we had been told what*

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

*contribution the developer could viably make. The Chairman added to this, saying that the planning application had already been determined but that the formal documentation for the decision had not yet been sent out. This application was then followed up by the viability assessment, and the evaluation was considered to be a reasonable figure.*

*It was suggested by a Councillor that, as it had been 18 months since planning permission was granted, a satisfactory s106 agreement had not been reached within the 4 month time limit and no development had taken place, it was not unreasonable to "go back to the drawing board". However, the Chairman disputed this, stating that, based on past experience, this could give the developer grounds for appeal.*

*In response to a question from the Committee officers acknowledged that government guidance on viability assessments states that they should be submitted at the application stage as did the WDC Local Plan, however this was not a requirement.*

*In response to a question the Business Manager recognised the viability statement should have been available to Councillors and the public online and was not. However, the assessment had been subject to scrutiny by the Council's appointed independent expert. This work, over recent months, had identified additional funding as set out within the report"*