

## Planning Committee Tuesday 13 February 2024

A meeting of the above Committee will be held at Shire Hall, Market Place, Warwick on Tuesday 13 February 2024, at 6.00pm.

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

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

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

### Emergency Procedure

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

### Agenda Part A – General

#### 1. Apologies & Substitutes

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

#### 2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

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

- a) 14 December 2023 **(Pages 1 to 9)**
- b) 16 January 2024 **(Pages 1 to 22)**

**Part B – Planning Applications**

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

- 5. **W/23/1084 – 17 Beverley Road, Royal Leamington Spa** **(Pages to 18)**
- 6. **W/23/1352 – 10 Park Road, Royal Leamington Spa** **(Pages 1 to 4)**
- 7. **W/23/1461 – Milverton School Playing Field, Lillington Avenue, Milverton, Royal Leamington Spa** **(Pages 1 to 6)**
- 8. **W/23/1628 - Warwick Arms Hotel, 17 High Street, Warwick** **(Pages 1 to 6)**
- 9. **W/23/1651 – 2 Pinehurst, Cubbington** **(Pages 1 to 4)**

**Part C – Other matters**

- 10. **Appeals Report** **(To Follow)**

**Please note:**

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting by attending the meeting in person on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.

- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.
- (f) Warwick District Council has adopted Probity in Planning. based on the Local Government Association and Planning Advisory Service Probity in Planning guide. It clarifies how Councillors can get involved in planning discussions on plan making and on applications, on behalf of their communities in a fair, impartial and transparent way.

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

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

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

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

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# Planning Committee

Minutes of the meeting held on Thursday 14 December 2023 at the Shire Hall, Warwick, at 6.00pm.

**Present:** Councillor Boad (Chairman); Councillors Cron, King, Margrave, Redford, Russell, Tangri, and Williams.

**Also Present:** Principal Committee Services Officer – Rob Edwards; Committee Services Officer - Mia Matthews (observing only); Legal Advisor – Ross Chambers; Principal Planning Officer – Dan Charles; Planning Officers – Millie Flynn and Jack Lynch; and Business Manager – Sandip Sahota.

## 107. **Apologies and Substitutes**

- (a) Apologies for absence were received from Councillors B Gifford and Noonan; and
- (b) Councillor King substituted for Councillor Sullivan, Councillor Russell Substituted for Councillor Dickson and Councillor Redford substituted for Councillor Phillips.

## 108. **Declarations of Interest**

There were no declarations of interest.

## 109. **Site Visits**

There were no site visits made.

## 110. **W/23/1689 – Land on the North-East Side of Birmingham Road, Hatton**

The Committee considered an application from Taylor Wimpey Midlands to allow for the use of the temporary access for up to 40 residential occupations which was a variation of conditions 14 and 17 of Planning Permission reference W/19/0933.

This application was presented to Committee because it was recommended for approval and more than five objections had been received.

The officer was of the opinion that authority should be delegated to officers to grant the Section 73 application to W/19/0933, subject to the relevant conditions upon the expiry of the consultation period on 22 December 2023.

An addendum circulated at the meeting advised of the following update to the recommendation:

*“Authority be delegated to the Head of Place, Arts & Economy and the Chair of the Planning Committee to review any objections which come in after the committee meeting and before the expiry of the consultation, and if any are*

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

*received, to decide whether these raise new significant material planning matters which, in their view, should be brought back to Planning Committee for further consideration. Subject to them agreeing that there is no need for the application to be considered further by Planning Committee, to delegate authority to Officers to grant the Section 73 application to W/19/0933, subject to the relevant conditions”.*

The addendum also advised of an update to recommendation 16, and additional objections including from Hatton Parish Council.

The following people addressed the Committee:

- Mrs Chapman, Hatton Parish Council, objecting;
- Mrs Kemp, objecting;
- Mrs Ventham, Supporter/ Applicant; and
- Councillor Phillips, Warwick District Councillor, objecting.

Following consideration of the report and presentation, representations made at the meeting, it was proposed by Councillor Tangri and seconded by Councillor King that the application should be deferred to enable further information regarding traffic management, in particular the number of HGV's, volume of traffic at peak times and information around traffic turning practices.

The Committee therefore

**Resolved** that W/23/1689 be **deferred**.

### **111. W/23/0415 – Woodside Conference Centre, Glasshouse Lane, Kenilworth**

The Committee considered an application from Vistry Homes for the demolition of the existing buildings and the erection of 55 dwellings and associated works.

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

The officer was of the opinion that the proposals were acceptable in overall terms, including in respect of the integration of built development within the surrounding landscape, and the site provided additional benefits in securing appropriate links to the surrounding site in order to provide a comprehensive development across the overall allocation. Therefore, officers recommended the application should be approved subject to the conditions listed in the report and the signing of a Section 106 Agreement.

An addendum was circulated at the meeting which consisted of pre-meeting questions from Members and answers provided.

The following people addressed the Committee:

- Councillor Eaton, Kenilworth Town Council, objector;
- Mr Peacock, objector; and
- Mr West, Supporter/Applicant.

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

At 7.35pm, it was proposed by the Chair and seconded by Councillor Williams that the Committee go into confidential session in order to receive privileged legal advice. The meeting resumed in public session at 8.02pm.

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

The Committee therefore

**Resolved** that W/23/0415 be **refused** contrary to the recommendation in the report on the grounds that the sustainability of the proposed dwellings did not comply with the Net Zero DPD which will be adopted imminently; the precise wording of the reason for refusal is delegated to Head of Place, Arts & Economy in consultation with the Chairman of Planning Committee.

(The meeting was adjourned at 8.05pm for 10 minutes to allow for a comfort break).

### **112. W/23/1094 – Burrow Hill House, Hob Lane, Burton Green**

The Committee considered an application from Mrs Watkinson for the erection of one dwelling.

The application was presented to Committee because of the number of support comments, including a supporting comment from Burton Green Parish Council.

The officer was of the opinion that the application should be refused planning permission because of inappropriate development within Green Belt which was harmful by definition.

An addendum circulated at the meeting which advised of additional comments from the public and the agent.

The following people addressed the Committee:

- Councillor Taylor, Burton Green Parish Council, objecting;
- Mrs Watkinson, applicant/ supporter; and
- Councillor Aizlewood, District Councillor, speaking in support.

In response to questions from Members, the Legal Officer confirmed that a legal agreement could be formed to ensure the dwelling could only be occupied by persons with a local connection. The Business Manager stated there was no definition for very special circumstances, it was based on a case-by-case basis.

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

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

The Committee therefore

**Resolved** that W/23/1094 be **granted**, contrary to the recommendation in the report, as the Committee felt the harm to the Green Belt by reason of inappropriateness and any other harm was clearly outweighed by other considerations so as to constitute very special circumstances; and subject to entering into a legal agreement to secure the dwelling as a local needs-dwelling in perpetuity. Conditions to be agreed by the Head of Place, Arts & Economy in consultation with the Chairman of Planning Committee.

### 113. **W/23/0961 – Land Off Hob Lane, Burton Green**

The Committee considered an application from Ms Scarlett for the change of use of land for siting of two holiday accommodation igloos and formation of hardstanding to provide a car park.

The application was presented to Committee because it was recommended for refusal and more than five support comments had been received.

The officer was of the opinion that the proposal for visitor accommodation was considered to be unacceptable in principle as the location failed to comply with Policy CT7. The development was also considered to constitute inappropriate development in the Green Belt by reason of not falling into any of the exceptions listed under paragraph 149 of the NPPF and was harmful by reason of inappropriateness and harm to openness. Furthermore, the proposal was considered to be harmful to the character and appearance of the local rural landscape and also failed to address the concerns of the County Ecologist in regard to biodiversity net gain. The development was therefore contrary to Local Plan Policies CT2, DS18, NE2, NE3 and NE4 and Policy BG2 of Burton Green Neighbourhood Development Plan. Officers therefore recommended the application should be refused.

Ms Scarlett addressed the Committee speaking as a Supporter/Applicant.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor King and seconded by Williams that the application should be refused.

The Committee therefore

**Resolved** that W/23/0961 be **refused** for the following reasons:

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (1)        | <p>the NPPF and Policy DS18 of the Warwick District Local Plan state that new buildings in the Green Belt constitute inappropriate development in the Green Belt and are harmful by definition and by reason of harm to openness.</p> <p>Whilst the proposal includes the redevelopment of previously developed land, the cumulative impacts of the development would result in a significant increase in the bulk and mass of built form on the site. In the opinion of the Local Planning Authority, the development would reduce the openness of the Green Belt both visually and spatially and would therefore fail to meet the relevant exception to inappropriate development in the Green Belt.</p> <p>In the opinion of the Local Planning Authority, the proposal represents inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.</p> <p>The proposed development is therefore contrary to the aforementioned policy and the NPPF;</p> |
| (2)        | <p>Warwick District Local Plan Policy CT2 - Directing New Visitor Accommodation, states that the principle of such development in rural areas is acceptable where it is located within a Growth Village or is for the conversion of a rural building as defined in Policy BE4. The application site is not located within a Growth Village boundary and does not propose the conversion of an existing rural building. Furthermore, due to the characteristics of the site (surrounded by paddock land and accessed along a narrow, single road), the site is seen as an intrinsic part of the countryside rather than a part of the main village settlement.</p> <p>The proposal is therefore considered to be contrary to the aforementioned policy and is considered unacceptable in principle;</p>   |
| (3)        | <p>policy NE3 of the Warwick District Local Plan 2011-2029 stipulates that new development will be permitted provided that it protects,</p>  |



## PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>enhances and / or restores habitat biodiversity. Where proposals lead to a net loss of biodiversity, and suitable mitigation measures are unable to be accommodated within the development site, the policy requires compensatory measures involving biodiversity offsetting.</p>
	<p>Whilst an updated Biodiversity Metric and a Biodiversity Feasibility Report have been submitted, the Local Planning Authority are unable to determine whether the applicants will achieve a Biodiversity Net Gain for the proposals following an agreed figure for the units of biodiversity already lost. The submitted Biodiversity Metric is also required to be updated to accurately show the achievable condition for the on-site proposed habitat enhancement and creation measures.</p>
	<p>In order for the application to be acceptable under the NPPF, the applicant must demonstrate how a net biodiversity gain will be achieved through protection and enhancement of habitats on site. The documents submitted do not sufficiently provide this information. Therefore, the criteria of Policy NE3 has therefore not been met;</p>
(4)	<p>policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. Policy NE4 sets out provisions relating to landscape impact.</p>
	<p>The application site forms part of the small-scale, irregular field pattern characteristic of the Ancient Arden landscape type and makes an important contribution to the irregular pattern of woodland along the farmland fringe, visually connecting Stonemoor Wood to other wooded areas beyond the settlement edge. The application site helps to retain the rural appearance of the locality. In the opinion of the Local Planning Authority, the proposal would increase the continuity of the built form and establish a more suburban appearance to the frontage of the lane, which would result in harm to the rural setting and would be contrary to Policy NE4; and</p>

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
(5)	policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

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

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

(The meeting was adjourned at 8.05pm for a comfort break and resumed at 8.15pm).

### **114. W/23/1316 – 106 Leicester Lane, Cubbington**

The Committee considered an application from Mr Bishop for the erection of two storey side extension, single and two storey rear extension, front door canopy and the application of render and timber cladding to the external walls.

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

The officer was of the opinion that the proposal constituted good quality design in respect of providing a subservient addition which enhanced the existing dwellinghouse whilst respecting the surrounding buildings in terms

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

of its scale, form and adoption of appropriate materials. The proposal had been considered to have an acceptable impact on neighbouring amenity levels, ecology and parking. As such, the proposal was in accordance with the aforementioned policies, and officers therefore recommended that the application should be approved.

Following consideration of the report and the presentation it was proposed by Councillor Russell and seconded by Councillor Redford that the application should be granted.

The Committee therefore

**Resolved** that W/23/1316 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 and approved drawing(s) 1975-PL03 REV A and 1975-PL04 REV A, and specification contained therein, submitted on 23/11/2023.<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)        | notwithstanding the provisions of Schedule 2, Part 1, Class A 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 part of the dwellinghouse shall be clad in timber other than as shown on the approved drawings.<br><br><b>Reason:</b> To secure a satisfactory form of development in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029. |

### **115. Appeals Report**

The appeals report was noted.

**PLANNING COMMITTEE MINUTES (Continued)**

(The meeting ended at 8.57pm)

CHAIRMAN  
13 February 2024

# Planning Committee

Minutes of the meeting held on Tuesday 16 January 2024 at Shire Hall, Market Place, Warwick, at 6.00pm.

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

**Also Present:** Committee Services Officer – Mia Matthews; Civic and Committee Services Manager – Patricia Tuckwell; Legal Advisor – Sue Mullins; Development Manager – Gary Fisher; Principal Planning Officer – Dan Charles; Senior Planning Officer – Millie Fylnn; Planning Officer – Jack Lynch and Warwickshire County Council Highways Officer- Dave Pilcher.

## 116. Apologies and Substitutes

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

## 117. Declarations of Interest

Minute Number 120 – W/23/1689 – Land on the North East Side of Birmingham Road, Hatton

Councillor Phillips declared an interest as he was speaking as the Ward Councillor in objection to the application. He therefore did not take part in the debate and did not vote on this item.

Minute Number 122 – W/23/1425 – 6 Lillington Avenue, Royal Leamington Spa

Councillor Collins declared an interest because he lived near the site of this application. However, he had an open mind and did not consider himself to be predetermined in any way.

## 118. Site Visits

To assist with decision making, Councillor Dickson made an independent site visit to W/23/1425 – 6 Lillington Avenue, Leamington Spa and W/23/1689 – Land on the North East Side of Birmingham Road.

## 119. Minutes

The minutes of the 12 September 2023, 27 September 2023, 11 October 2023, 7 November 2023, 8 November 2023, 8 November 2023, and 13 December 2023 meetings were approved and signed by the Chairman as a correct record.

The Chairman advised the Committee that an addendum had been circulated earlier in the day and allowed a few minutes for Members to read it.

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

(Councillor Philips left the Committee for this item and did not vote on it because he was speaking in objection to the application.)

### **120. W/23/1689 - Land on the North East Side of Birmingham Road, Hatton**

The Committee considered an application from Taylor Wimpey Midlands for the variation of Conditions 14 and 17 of Planning Permission ref: W/19/0933 (erection of 150 dwellings with all ancillary works), to allow for the use of the temporary access for up to 40 residential occupations.

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

The application had been referred to Committee on 14 December 2023. The application was deferred to allow additional consideration to take place relating to the number of HGV movements, volume of traffic at peak times, vehicle turning practices and whether the highway authority's assessment should be updated in light of current highway works on the A4177. The proposal had now been reassessed by the County Highways Officer and the application was therefore being presented to the Planning Committee for consideration.

The officer was of the opinion that the applicants had demonstrated that the temporary arrangements could provide an acceptable form of access for site users without being detrimental to highway safety and this had been considered by the Warwickshire County Council Highways Team who had raised no objection to the revised proposal.

Officers were satisfied that the revisions would not result in any material change to the overall scheme and the limited period of the contingency highway measures was temporary and would have no resultant harm.

An addendum circulated prior to the meeting advised of an additional objection comment having been received, a supporting statement from the applicant and officers' responses to Members questions.

The following people addressed the Committee:

- Councillor Chapman, Hatton Parish Council, objecting; and
- Councillor Phillips, District Councillor, objecting.

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

The Committee therefore

**Resolved** that W/23/1689 be **granted**, subject to the following conditions:

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (1)        | <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):</p> <ul style="list-style-type: none"><li>• 0102/1000 Rev C, 0102/2000 Rev B, 0102-116A, 0102-118, 0102-119, 10-05-01-P9, 10-05-02-P9, 10-05-03-P6, 10-06-P8, 10-07-P8, 20142-DG-PL, 20142-DSG-PL, 20142-SG-PL, AA11, AA24, AA32, AA42, BU2, The Devonford – Plan, The Devonford – Elevations, The Devonford – Elevations (Plots 64&amp;65 only), The Keydale – KE, The Keydale – KE (Plot 57 only), The Keydale – KE (SP), The Keydale – KE (SP) (Plot 131 only), The Beauford – NA21, The Byford – NA32, The Ransford – NA46 – Plans, The Ransford – NA46 – Elevations, The Ransford – NA46 – Elevations (Plot 52&amp;63 only), The Stanford – NA47 – Plans, The Stanford – NA47 – Elevations, The Ruston – NB52 – Elevations, The Rushton – NB52 – Plans, The Canford – PA25, The Gosford – PA34, The Lavenham – PD51 – Elevations, The Lavenham – PD51 – Plans, The Teasdale – PT45 – Elevations and The Teasdale – PT45 – Plans, and specification contained therein, submitted on 29 May 2019.</li><li>• 20142/PL/01E, c-1562-07 Rev B and c-1562-08, and specification contained therein, submitted on 27 August 2019</li><li>• 890193-10-07-P8, 1562-01J, 1562-02J, 1562-03J, 1562-04L, 1562-06K and 20142-EP-01 Rev D, and specification contained therein, submitted on 18 October 2019<br/>1562-05J, and specification contained therein, submitted on 24 October 2019.</li></ul> <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>the tree and hedgerow protection measures approved in pursuance of Condition 3 of planning permission shall remain in full accordance with the details set out in the document titled Stage 1 &amp; 2 Arboricultural Impact Assessment and Method Statement Report (Rev.9) dated August 19. The protective fencing shall remain in place for the full duration of any construction work . In</p>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | <p>addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).</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> |
| (3)        | <p>the development (including any works of demolition) shall be carried out in strict accordance with the construction method statement submitted to and approved in writing by the local planning authority on 9 February 2023 in pursuance of planning permission W/19/0933 and the addendum construction method statement received by the Local Planning Authority on 22 November 2023.</p> <p><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, TR4 and NE5 of the Warwick District Local Plan 2011-2029;</p>  |
| (4)        | <p>the development hereby permitted shall be carried out in accordance with the details of hard and soft landscaping works submitted to and approved in writing by the Local Planning Authority on 5 January 2023 in pursuance of W/19/0933.</p> <p>The hard landscaping works shall be completed in full accordance with the approved details within three months of the first</p>   |



## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | <p>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.</p> <p>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> |
| (5)        | <p>the development hereby permitted shall not be occupied until the scheme for the provision of adequate water supplies and fire hydrants submitted to and approved in writing by the Local Planning Authority on 1 June 2023 in pursuance of W/19/0933 has been implemented to the satisfaction of the Local Planning Authority.</p> <p><b>Reason:</b> In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters;</p>   |
| (6)        | <p>the development shall be carried out strictly in accordance with the detailed surface water drainage scheme for the site submitted to and approved in writing by the Local Planning Authority on 22 September 2022 and the scheme shall be fully implemented in accordance with the approved details before the development is completed.</p> <p><b>Reason:</b> To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity in accordance with Policies FW1, FW2 and NE3 of the Warwick District Local Plan 2011-2029;</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (7)        | <p>the development hereby permitted shall be carried out strictly in accordance with the details of the contaminated land survey and remediation strategy as set out in the following documents submitted in pursuance of W/19/0933;</p> <ul style="list-style-type: none"><li>• Supplemental Site Investigation Report 252601-R01(00), December 2021, prepared by RSK Geosciences received on 21.01.2022.</li><li>• Remediation Method Statement 252791-R01 (01), August 2022, prepared by RSK Geosciences received on 23.11.2022.</li></ul> |

If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with and shall be submitted to and approved in writing by planning authority. The site shall not be occupied until the approved addendum has been complied with.

Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.'

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

- |     |   |
|-----|---|
| (8) | <p>the development shall be carried out in accordance with the detailed surface water drainage scheme for the site submitted to and approved in writing by the Local Planning Authority on 22.09.2022 and shall be fully implemented in accordance with the approved details before the development is completed.</p> |
|-----|---|

## PLANNING COMMITTEE MINUTES (Continued)

### **No.**

### **Condition**

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029;

- (9) the development hereby permitted shall not be occupied unless and until the pedestrian/cycle link has been fully delivered to connect the development with Ebrington Drive. The pedestrian/cycle link shall be constructed in accordance with the scheme submitted to the Local Planning Authority in pursuance of W/19/0933.

**Reason:** To ensure that the development has acceptable permeability with the existing residential development in accordance with Policies SC0 and TR1 of the Local Plan 2011-2029;

- (10) the development shall be carried out in accordance with the details of external facing materials submitted to and approved in writing by the Local Planning Authority on 9 March 2022 in pursuance of W/19/0933.

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

- (11) the development hereby permitted shall be carried out strictly in accordance with the Landscape and Ecological Management Plan reference CSA/2684/05 (updated April 2019) received on 29 May 2019 submitted in pursuance of W/19/0933.

**Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 2011-2029;

- (12) the development shall not be occupied until the public highway A4177 has been improved

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | <p>so as to provide for the site access in accordance with the scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority, as shown on plan 0102-S278-100 Revision R.</p> <p><b>Reason:</b> In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p>   |
| (13)       | <p>no dwelling shall be occupied until the estate roads [including footways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.</p> <p><b>Reason:</b> In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p>  |
| (14)       | <p>the temporary access hereby permitted shall be constructed in accordance with the details as shown on plan reference 950-S184 Ref G. The use of this access shall be limited to purposes for construction/sales and for a maximum of 40 residential occupations only. The use of the access shall cease at either the substantial completion of the primary access or within 18 months from the date of this decision, whichever is the sooner. Thereafter, the land shall be restored to its former condition within 6 months from the cessation of use of the temporary access. Any new planting shall be carried out within the first planting season following the cessation of the use of the access.</p> <p><b>Reason:</b> The access is only proposed for a temporary period and is not proposed to be a permanent vehicular access to serve the site;</p> |
| (15)       | <p>the Developer shall ensure that all the measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site submitted to and approved in writing to the Local Planning Authority on 9 February 2023 in pursuance of W/19/0933 are maintained and operational for the duration of all construction works on the site.</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

### **No.**

### **Condition**

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

- (16) the lighting scheme shall be carried out in accordance with the details submitted on plan reference 10-06 P8 received by the Local Planning Authority on 29 May 2019 in pursuance of W/19/0933.

**Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 2011-2029;

- (17) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.

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

- (18) the development hereby permitted shall be carried out strictly in accordance with the methodology set out in the Stage 1 & 2 Arboricultural Impact Assessment and Method Statement Report (Rev.9) dated August 19 and received by the Local Planning Authority on 27 August 2019 in pursuance of W/19/0933.

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

(At the conclusion of this item, Councillor Phillips re-joined the Committee and the Warwick County Council Highways Officer left the meeting.)

## PLANNING COMMITTEE MINUTES (Continued)

### 121. **W/23/0798 - Mace Buildings Limited, Long Itchington Road, Hunningham**

The Committee considered an application from S and H Steel Frames for a proposed portal frame extension of approximately 965 square meters to the existing workshop building to enclose the existing site storage area/crane. This was a resubmission of planning application W/22/1701.

The application was presented to Committee because the application was recommended for refusal and a number of comments in support had been received.

The officer was of the opinion that the proposal constituted inappropriate development within the Green Belt and failed to preserve the openness of the Green Belt by virtue of being of an excessive height, bulk and scale. The very special circumstances presented were considered to be insufficient in clearly outweighing the potential harm to the Green Belt. The proposal also generated significant safety concerns for users of the site. The layout would neither be safe or secure for motor vehicle users and / or pedestrians, and did not provide acceptable standards of amenity for future users and occupiers of the development, based on the limited space available for HGVs to access the site and manoeuvre. The development was therefore considered to be contrary to the NPPF and Local Plan policy TR1, BE3 and DS18.

An addendum circulated prior to the meeting advised of an amendment to the wording of the report, officers' answers to questions from Members and an email from the agent.

The following people addressed the Committee:

- Councillor Shackleton, Eathorpe, Hunningham, Offchurch and Wappenbury Joint Parish Council, supporting;
- Mr Large, supporting; and
- Mr Mace, supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Tangri and seconded by Councillor Williams that the application should be refused in accordance with the recommendation in the report, for Reason One – inappropriate development in the Green Belt - as stated in the report. Members did not support the second reason for refusal.

The Committee therefore

**Resolved** that W/23/0798 be **refused** because the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of

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

inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Local Plan policy DS18 echoes the requirements of the NPPF.

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

### **122. W/23/1425 - 6 Lillington Avenue, Royal Leamington Spa**

The Committee considered an application from Lillington Estates for the proposed works comprising of a three-storey rear extension internal reconfiguration of existing seven one-bed flats to create four two-bed and five one bed apartments for a total of 13 bedrooms. This was a resubmission of planning application W/23/0156.

The application was presented to Committee because the application was recommended for approval and a number of objections had been received, including one from Leamington Town Council.

The officer was of the opinion that the development proposals were in keeping with the character and appearance of the neighbouring property and the Conservation Area. In addition, the proposals were not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to outlook and amenity. The proposals were in accordance with the policies mentioned in the report, and it was therefore recommended for approval.

An addendum circulated prior to the meeting advised of a public comment and officers' responses to Members' questions.

The following people addressed the Committee:

- Councillor Barker, Royal Leamington Spa Town Councillor, objecting;
- Mr Arkle, objecting;
- Mr Weare, objecting; and
- Mr Warner, supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Collins and seconded by Councillor Tangri that the application should be granted, subject to an additional condition regarding landscaping and a note to the applicant requesting an existing tree within the site be retained.

The Committee therefore

**Resolved** that W/23/1425 be **granted**, subject to:

Item 4b / Page 11

## PLANNING COMMITTEE MINUTES (Continued)

a) 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 drawing(s) 0087 - 000, 0087 - 110 05 and 0087 - 111 04 submitted on 29th September 2023, 0087 - 310 07 and 0087 - 311 07 submitted on 8th December 2023, 0087 - 112 08 submitted on 12th December 2023, 0087 - 213 00 submitted on 13th December 2023 , 0087-0045TP and 0087-100-08 submitted 14th December 2023 and specification contained therein.</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>the development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, ecologist supervision of destructive roof works, toolbox talk, emergency measures should a bat be found, including the erection of at least one bat box on a suitable tree or building, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the County Planning Authority. Such approved mitigation measures shall thereafter be implemented in full and maintained in perpetuity.</p> <p><b>Reason:</b> To ensure that protected species are not harmed by the development;</p>                       |
| (4)        | <p>no part of the development hereby permitted shall be commenced until a scheme for the provision of three bat boxes/bat roosting features to be incorporated into buildings within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.</p>  |



## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | <p><b>Reason:</b> In accordance with NPPF, ODPM Circular 2005/06;</p>  |
| (5)        | <p>the development hereby permitted (including site clearance) shall not commence until a Biodiversity Management Plan (BMP) to include a detailed schedule of habitats and protected species mitigation, and biodiversity enhancement measures including habitat management and long-term monitoring, to result in a biodiversity net gain (to include location of measures, installation timescale, timing of works and species lists for proposed planting has been submitted to and approved in writing by the Local Planning Authority. Such measures should be shown on all applicable annotated site plans and elevations, such approved mitigation and enhancement measures shall thereafter be implemented in full and maintained in strict accordance with the approved details in perpetuity.</p> <p><b>Reason:</b> To enhance the nature conservation value of the site and ensure biodiversity net gain in accordance with NPPF, ODPM Circular 2005/06;</p>   |
| (6)        | <p>the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: 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 (<a href="https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan">https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan</a>) or by searching 'Construction Management Plan'. The</p> |

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

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | development hereby permitted shall only proceed in strict accordance with the approved CMP.   |
|            | <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;   |
| (7)        | notwithstanding details contained within the approved documents, prior to commencement of development (within its relevant phase), a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include: <ol 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. How proposals will de-carbonise major development;</li><li>d. Details of the building envelope (including U/R values and air tightness);</li><li>e. How the proposed materials respond in terms of embodied carbon;</li><li>f. Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;</li><li>g. How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading.</li></ol> |

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | <p>No dwelling/ building shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.</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>  |
| (8)        | <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>  |
| (9)        | <p>all rooflights hereby permitted shall be conservation style only (flush fitting with central vertical glazing bar) and maintained as such.</p> <p><b>Reason:</b> To ensure an appropriate standard of design and appearance, and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;</p>  |
| (10)       | <p>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.</p> <p><b>Reason:</b> 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;</p> |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (11)       | <p>the development hereby permitted shall not be occupied unless and until:</p> <p>(a) details of refuse and recycling storage areas for the development have been submitted to and approved in writing by the Local Planning Authority; and</p> <p>(b) the refuse and recycling areas approved under (a) have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development.</p> <p>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.</p> <p>No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.</p> <p>Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.</p> <p><b>Reason:</b> To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (12)       | <p>prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the</p>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | approved details and shall not be removed or altered in any way (unless being upgraded).<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 and the Air Quality and Planning Supplementary Planning Document;   |
| (13)       | The development hereby permitted shall not be occupied unless and until the approved cycle parking facilities have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times.<br><br><b>Reason:</b> In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;   |
| (14)       | prior to the occupation of the development hereby permitted, the second floor window(s)/rooflights in the north-east elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times.<br><br><b>Reason:</b> To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (15)       | all construction traffic/deliveries in association with the development hereby permitted shall access the site from Lillington Avenue; no access to the site whatsoever shall be gained off Arlington Mews.<br><br><b>Reason:</b> To protect the amenity of neighbouring properties in accordance with Policy BE3 of the Warwick District Local Plan; and   |

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

<b>No.</b>	<b>Condition</b>
(16)	an additional condition requiring a landscaping scheme combined with amendments to condition five to provide a comprehensive landscaping and biodiversity management plan incorporating as far as possible the retention of an existing tree within the site or failing that substantive replacement planting.
b)	a note to the applicant advising of the Committee's desire that the tree referred to above be retained; and
c)	authority be delegated to the Head of Place, Arts and Economy in consultation with the Chair of the Planning Committee to finalise the wording of the additional conditions.

(At 8.15pm the meeting was adjourned for ten minutes to allow for a comfort break, it reconvened at 8.25pm)

### **123. W/23/1231 – 15 Beaufort Avenue, Cubbington**

The Committee considered an application from Ernest Hardy Limited for the proposed change of use from existing use as a dwellinghouse (Use Class C3) to use as a Children's Residential Care Home (Use Class C2).

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

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

An addendum circulated prior to the meeting provided answers to the questions raised by Members in advance of the meeting.

The following people addressed the Committee:

- Ms Richardson, supporting; and
- Councillor Russell, District Councillor, objecting.

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

The Committee therefore

## PLANNING COMMITTEE MINUTES (Continued)

**Resolved** that W/23/1231 be **granted**, subject to the following conditions:

- | <b>No.</b> | <b>Conditions</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 105-01-01A REV A, and specification contained therein, submitted on 12th December 2023.</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>the development/use hereby permitted shall not be occupied/commence unless a full management plan has been submitted to and approved in writing by the Local Planning Authority to include details relating to:</p> <ul style="list-style-type: none"><li>• Dwelling maintenance,</li><li>• Staffing and working schedule,</li><li>• Behaviour management procedure, and</li><li>• Car safety and parking.</li></ul> <p><b>Reason:</b> To ensure that future occupants do not experience unacceptable levels of noise and the running of the dwelling is acceptable so that it does cause harm to the amenity of neighbouring uses, thereby in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (4)        | <p>the development/use hereby permitted shall not be occupied/commence unless and until details of sound proofing have been submitted to and approved in writing by the Local Planning Authority and the sound proofing measures have been completed in full accordance with the approved details.</p> <p><b>Reason:</b> To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029. / To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable</p>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Conditions</b>   |
|------------|---|
|            | disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;   |
| (5)        | the proposal should operate in complete accordance with the noise management plan submitted to the Local Planning Authority on 11/12/2023.<br><br><b>Reason:</b> To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029. / To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and                         |
| (6)        | the number of residents who reside at this dwelling, for the purposes of the approved use as a children's residential care home shall be no more than two at any time.<br><br><b>Reason:</b> To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029. / To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029. |

### 144. **W/22/1739 – 26 Wathen Road, Warwick**

The Committee considered an application from Mr S Nijjar for the erection of one, one bed dwelling. This was a resubmission of planning application W/22/0709.

The application was presented to Committee because it was subject to an appeal to the Planning Inspectorate against the non-determination of the application by the Local Planning Authority within the statutory 13-week period.

In the case of a non-determination appeal, a steer from Planning Committee on the decision it was likely to have made on the application, had it been determined, would guide the Council's submissions on the appeal and formed the basis of the Council's case at the appeal.



## PLANNING COMMITTEE MINUTES (Continued)

Members were not therefore being asked to determine the application as this was now in the hands of the Planning Inspectorate. The proposal was in front of Members for consideration of the decision that would likely have been made by the Local Planning Authority if it had been in a position to formally determine the application.

The officer was of the opinion that the LPA could demonstrate five-year housing land supply. Therefore, the proposal conflicted with the NPPF and the NPPG as the proposal had not satisfied the sequential test in regard to directing development to sites with a lower probability of flooding. Although the proposal would make a modest contribution towards housing land supply, when weighing up the planning considerations, there were insufficient merits to justify overriding the demonstrable harm this proposal would cause in regard to flood risk. The application was therefore recommended for refusal.

An addendum circulated prior to the meeting advised of a consultation response from the Environment Agency and responses to Members' questions.

Following consideration of the report, presentation and information contained in the addendum it was proposed by Councillor Gifford and seconded by Councillor Tangri that had it been in a position to formally determine this application, the Committee would have refused the application for the reasons set out in the report.

The Committee therefore

**Resolved** that an objection be made to the granting of permission of W/22/1739 – 26 Wathen Road, Warwick, because National Planning Practice Guidance (NPPG) required Local Planning Authorities to steer new development to areas at the lowest probability of flooding by applying a flood risk sequential test. The NPPG also stated the sequential test should be applied to guide development to Flood Zone 1, then Zone 2, then Zone 3; only when there are no reasonably available sites in Flood Zone 1 should site within Flood Zone 2 be considered. Local Plan Policy FW1 (a) was consistent with the National Planning Policy Framework which highlights that new development should be steered to areas with the lowest probability of flooding. As the application site is not allocated for development in the Local Plan, the sequential test must be applied.

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

## PLANNING COMMITTEE MINUTES (Continued)

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

### 145. **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.

### 146. **Public and Press**

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

Minute No.	Para No.	Reason
147	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information
147	5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

### 147. **Confidential Minutes**

The confidential minutes of the Planning Committee meeting 27 September 2023 were approved and signed by the Chairman as a correct record.

(The meeting ended at 9.05pm)

CHAIRMAN  
13 February 2024

**Application No:** [W 23 / 1084](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Dan Charles  
01926 456527 dan.charles@warwickdc.gov.uk

**Registration Date:** 25/07/23  
**Expiry Date:** 19/09/23

**17 Beverley Road, Leamington Spa, CV32 6PH**

Demolition of existing dwelling and construction of 9 no. dwellings FOR Castle Homes Warwick Real Estate

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

**RECOMMENDATION**

That planning permission is GRANTED with conditions

**DETAILS OF THE DEVELOPMENT**

The proposal is for the demolition of the existing house on the site and the erection of a building containing 8 x two bedroom apartments over 3 floors. In addition, a single, four bedroom, two storey dwelling is proposed to the rear of the site.

The proposal provides 16 off-road parking spaces to serve the apartments which are proposed to be laid out to the front and rear of the building. Access to the site would remain from Beverley Road via a new driveway opening with the existing vehicular access being closed. The access to the dwelling and rear parking spaces is via an undercroft through the building. Within the undercroft, allocated cycle storage is provided for the new properties. To the side is the proposed bin store area serving the properties.

The proposal will require the removal of an existing hedge and single tree to the frontage to provide the parking area and new access point. The majority of remaining highway and private boundary trees and shrubs would be retained as part of the development and the whole of the garden area would now be utilised as amenity space to serve the development either as communal space for the upper floor apartments or allocated garden space for the dwelling and ground floor apartments.

**THE SITE AND ITS LOCATION**

The application site fronts onto Beverley Road and is partially opposite the Beverley Road/Cliffe Road junction.

The site currently consists of a single, two storey dwellinghouse with detached garage to the side sitting on a substantially sized plot in a predominantly residential area of Leamington Spa.

The existing dwelling has an eaves height of approximately 6 metres with an overall ridge height of approximately 8.7 metres. The dwelling has a gross footprint of approximately 231m<sup>2</sup> and overall site area of 2868m<sup>2</sup>.

The existing dwelling is set back from the boundary by approximately 14 metres with a large parking area to the frontage of the site. The frontage has a row of conifer trees to the boundary line which are proposed to be removed. The existing grass verge has mature trees planted within and these are proposed to be retained.

The site is not within the Conservation Area but the Conservation Area boundary is to the south of the site and follows the southern side of Beverley Road and the western side of Cliffe Road.

## **PLANNING HISTORY**

**W/14/1724** - Erection of single storey rear extension – **GRANTED 23.01.2015**

## **RELEVANT POLICIES**

- National Planning Policy Framework

### Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS4 - Housing Character Outside the Conservation Areas
- RLS5 - Royal Leamington Spa Housing Mix and Tenure
- RLS12 - Air Quality
- RLS13 - Traffic and Transport
- RLS14 - Cycling

### Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS7 - Meeting the Housing Requirement
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity

- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
  
- Guidance Documents
  - Residential Design Guide (Supplementary Planning Document- May 2018)
  - Parking Standards (Supplementary Planning Document- June 2018)
  - Air Quality & Planning Supplementary Planning Document (January 2019)
  - The 45 Degree Guideline (Supplementary Planning Guidance)
  - Distance Separation (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection subject to no objection from Highways.

**Councillor Syson:** I have 3 concerns regarding the proposal; additional traffic, character and appearance of Beverley Road and impact on Biodiversity.

**WDC Arboricultural Officer:** No objection subject to conditions.

**WDC Conservation:** No objection subject to condition requiring approval of external materials. Site is outside Conservation Area and there is a variety of buildings in the street scene of varying design and scale.

**WDC Environmental Protection Officer:** No objection subject to conditions relating to Air Quality and Construction Management Plan.

**WDC Waste Management Officer:** Objection. New house far exceeds the drag distance of 15m. Plans indicate proposal for individual bins for apartments. Recommend large, shared bins for the apartments.

**WCC Ecology:** No objection. Recommend condition to secure works to be in accordance with the identified mitigation.

**WCC Highways:** Note the location of the roadside trees and would recommend the input from the Arboricultural Officer. No objection to the proposed development subject to conditions.

**Public Response:** A total of 14 Comments received. 12 Objections, 1 neutral and 1 support.

#### Reasons for Objection

- Will create significant increase in traffic.
- Area is already crowded and a dangerous part of Beverley Road.
- Access is already difficult.
- Re-sited access will create a cross roads with Cliffe Road.
- Road was designed for single family houses.
- Wrong place for such a large proposal.
- Over-development of the site.
- Out of keeping with road.
- Loss of family homes affecting character of the area.
- Increased noise from frontage parking spaces.
- Trees on boundary should be retained for screening.

#### Neutral Comments

- Support for tasteful multiple dwellings
- Parking/additional traffic needs to be addressed.

#### Support Comments

- Demolition of houses with little architectural merit being replaced with high specification building is ideal for down-sizers which releases family homes elsewhere.
- Concerns over parking at The Limes and Lime House did not materialise.
- Fully support this imaginative development.

### **ASSESSMENT**

#### **Principle of Development**

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

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

The application site lies within the urban area of Leamington Spa. Policy H1 of the Local Plan identifies the urban area of Leamington Spa acceptable in principle for new residential developments.

Policy RLS1 of the Neighbourhood Development Plan (NDP) states that proposals for new housing development within the Royal Leamington Spa Urban Area, will be supported for the following:

1. Re-use of previously developed land and buildings when not in conflict with other development plan policies.
2. Infill development that is of an appropriate scale and that does not lead to the loss of residential gardens (unless in accordance with Policy H1 of the Warwick District Local Plan), overdevelopment, or have a significant adverse impact on the amenity of adjacent existing occupiers and uses.
3. Proposals for custom and self-build housing provision that are acceptable when assessed against Warwick District Local Plan Policy H15.
4. Proposals for purpose-built student accommodation when positively assessed against all related development plan requirements and guidance.

Officers are satisfied that the development is acceptable in principle.

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

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

Paragraph 139 states that permission should be refused for development that is not well designed and that fails to take into account local design guidance and supplementary planning documents. This paragraph also states that significant weight should be given to development which reflects local design guidance and policies and government guidance on design and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Policy BE1 of the Warwick District Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The Residential Design Guide seeks to achieve good design in terms of the impact on the local area, the importance of respecting existing important features, respecting the surrounding buildings and using the right materials.

The general character of the wider locality around the site is very mixed with low density detached housing adjoining and adjacent to the application site to the north east with substantial villas to the south in Guy's Cliffe Avenue. Adjacent to the site is higher density development to the south west at Lime House (15 Beverley Road) and Brookhurst Court beyond that, The Grange Mews on the opposite side of Beverley Road, at Somerville Mews and Coniston Court with terraced housing further afield in Cliffe Road and Coniston Road. To the rear (north) of the site is the substantial Trinity School with a range of buildings of various sizes. Whilst the proposal will result in an increased footprint and housing density on the site, when taken into consideration with the surroundings, this increase would not, in itself, result in harm to the character of the area in these terms or represent inappropriate overdevelopment of the site.

In terms of the proposed footprint, the new apartment building would be on a par with the adjacent development at Lime House (15 Beverley Road) which is also split into 8 apartments to the frontage with a detached dwelling at the rear of the site. The scheme proposed is almost identical in form and footprint but provides a much more traditional approach to the fenestration detail.

Whilst it would occupy a much larger footprint than the existing detached house, the plot is of a scale that can adequately accommodate the development together with all ancillary areas such as parking and garden areas. However, it would remain significantly smaller than the Brookhurst Court development that lies in close proximity to the site so would not appear as an incongruous feature within the wider streetscape.

In terms of height, the apartment building would stand at at a maximum height of approximately 9 metres to the ridge with an eaves height of approximately 5.8 metres.

This steps down from the adjacent building at Lime House (15 Beverley Road) which stands at a height of 9.5 metres to the ridge and 6.2 metres to the eaves. This creates a stepped down appearance along the street with No. 19 Beverley Road being a two storey dwelling with a maximum ridge height of approximately 6.5 metres. In terms of the overall width of the frontage, the building would be comparable with both properties either side. The depth of the building would extend further back into the site beyond the rear elevation of the existing dwelling and 19 Beverley Road. However, whilst the proposed building is deeper, the building is set in from the boundaries with a diminishing scale that steps further from the boundary on both sides of the site as it projects to the rear.

In respect of the elevational treatment to Beverley Road, a symmetrical treatment of the façade is proposed with a hipped roof to the main structure with three front gable features with 3 pitched roof dormer windows to the front roof slope. The central gable is subservient to the gables either side and contains the main entrance to the apartments. To the eastern gable is a large window at ground floor level and on the western side, the area is open to provide vehicular access to the rear of the site. The elevational treatment proposed is a predominantly brick with white render and timber frame detailing to the gables. Windows are



traditional casements with feature stone lintels and cills. The windows are well placed on the elevations to maintain the symmetry of the building.

Overall, Officers are satisfied that the development is acceptable having regard to Policy BE3 of the Local Plan.

### **Impact on character of the Conservation Area**

Whilst the site lies outside of the Royal Leamington Spa Conservation Area, an assessment is still made as to the potential impact on the setting of the Conservation Area.

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

Policy RLS3 states that Development proposals that are within or directly affect a Conservation Area must assess and address their impact on their heritage significance.

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

The Conservation Officer has assessed the proposal and noted that the local area contains a wide range of property types and scales. The proposed development would sit comfortably in this varied street scene and has raised no objection to the proposal subject to a condition securing details of facing materials to be submitted.

Officers consider that the proposed development would have a neutral impact on the Conservation Area and the proposal is therefore considered acceptable having regard to Policy HE1 of the Local Plan and Policy RLS3 of the Neighbourhood Plan.

### **Residential Amenity**

#### Impact on the amenity of neighbouring properties

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

The site sits between an existing apartment building to the left, when viewed from the street scene. The design of the adjacent building is similar to the development proposed on the application site in terms of plan form and plan depth. The adjacent site also has a dwelling to the rear of the site as proposed within this application.

To the right of the property is a two storey dwelling that sits in line with the existing dwelling with a back garden area that flanks part of the side boundary of the application site.

Beyond the dwelling to the right of the application site are the rear gardens of dwellings that back onto the application site towards the rear of the application site.

The proposed apartment building to the front of the site reduces in width as it projects beyond the existing rear building line of the dwelling it replaces. This ensures that the bulk of the building is set in from the boundary with the neighbouring properties. As the projection of the building continues, the separation distance to the side boundary also increases.

The distance to the boundary with Lime House, 15 Beverley Road is 4.5 metres and as the proposal projects to the rear, this increases to 10.6 metres and then 13.5 metres as a result of the diminishing scale of the rear projections. It is noted by Officers that the design of the adjacent building is a mirror image of the application site with rear projections that also step in as the building projects.

With regard to 19 Beverley Road, the main building where in line with the adjacent building, the distance to the boundary is approximately 2 metres. As the proposal projects to the rear, the proposed rear projections increase to 7 metres to the boundary and then further increase to 9 metres as the scale of the proposed rear projection diminishes.

As a result, the separation distance to the side boundaries is sufficient to ensure that the proposal would not create an overbearing impact or result in the loss of light to neighbouring properties.

The main windows serving habitable rooms are located facing the front or rear only and either overlook the public highway to the front and the amenity/parking areas associated with the application site. Where side windows are present at upper floors, these are identified as being obscure glazed to prevent harmful overlooking of the amenity space of neighbouring properties. These windows are limited to either supplementary windows to habitable rooms or serve secondary rooms such as bathrooms or en-suites.

Notwithstanding this, Officers consider it appropriate to restrict the windows to be obscure glazed through the use of appropriate conditions.

#### Amenity of future occupiers

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

All habitable rooms are served by facing windows that afford good levels of light and outlook to be achieved. The primary windows to all rooms face either to the front or rear of the site to ensure that there is no unacceptable overlooking from neighbouring properties.

Officers are satisfied that the provision of the garden areas to the ground floor units is acceptable and the provision of the communal space for the upper floor apartments is acceptable and will provide acceptable living conditions for future occupiers of the development. Whilst a large building, the size of the plot is such that the overall appearance creates a relative high level of spaciousness which would enhance the sense of place and overall amenity value for future residents.

In conclusion, the landscaping and amenity space shown on plans will assist in ensuring the new development provides an acceptable residential environment.

Officers are satisfied that the development is acceptable in regard to the amenity of existing and future residents having regard to Policy BE3 of the Local Plan.

### **Highway Safety**

Policy RLS13 of the Neighbourhood Plan required all developments to support measures for sustainable transport methods to make Royal Leamington Spa a cleaner, safer and healthier town.

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

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

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

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

The proposal seeks the provision of a new access point to serve the dwellings. This has been assessed by the County Highways Officer who has raised no objection to the access point as it provides the appropriate visibility in either direction and is wide enough to allow vehicles to pass, ensuring that they do not need to stop within the carriageway. Subject to the recommended conditions, no objection is raised to the new access point.

In terms of car parking, the site provides 16 spaces for the apartments which meets the 2 spaces per unit requirement as set out within the parking standards. In addition, 3 spaces are provided for the dwelling to the rear of the site and this

also accords with the parking standards. The site also contains appropriate turning space for all vehicles to allow them to enter and leave the site in a forward gear.

Overall, Officers are satisfied that the proposal is acceptable in Highway Safety terms and is therefore in accordance with Policies TR1 and TR3 of the Local Plan and Policy RLS13 of the Neighbourhood Plan.

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

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

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

The application has been submitted with a bat and nesting bird survey which has been assessed by the County Ecologist who is satisfied that the survey work is thorough and robust. No objection is raised to the proposal subject to the imposition of a condition to carry out the works in accordance with the recommended mitigation measures as identified within the survey.

In terms of biodiversity, the Ecologist is satisfied that there is no impact on existing Biodiversity on site. Notwithstanding this, Officers consider that it would be appropriate to seek improvements to the Biodiversity on site to ensure that a net gain is achieved. This can be secured by condition.

Overall, Officers are satisfied that the proposal is acceptable having regard to Policy NE3.

### **Drainage**

Policy RLS1 of the NDP states that development proposals for previously developed land, where appropriate, should undertake a surface water outfall assessment, following the Drainage Hierarchy (National Planning Practice Guidance , paragraph 80) to determine if there are viable alternatives to existing connections to the combined sewer network.

The proposed development will connect into the existing mains connections serving the site. As a minor development, the inclusion of Sustainable Urban Drainage Systems (SUDS) is not required.

Details of the proposed drainage will be secured by condition.

Officers are therefore satisfied that the development is acceptable

## **Adapting to Climate Change**

Policy CC1 of the Warwick District Local Plan seeks all new development to be resilient to, and adapt to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

The new NPPF makes various references to mitigating the impact of climate change in particular;

Para 8 of the NPPF states that mitigating and adapting to climate change, including moving to a low carbon economy forms part of the requirement of the environmental objective of achieving sustainable development.

In addition, Section 14 of the NPPF focusses on meeting the challenge of climate change and states that the planning system should support the transition to a low carbon future in a changing climate..." and "support renewable and low carbon energy and associated infrastructure"

WDC declared a climate emergency in 2019 and all applications are expected to demonstrate how they have been designed to minimise the impact on climate change through the use of sustainable measures.

Whilst no specific energy statement has been provided, Officers note that it the use of solar panels is proposed. In order to maximise the use of sustainable energy measures, a condition is proposed to secure further details to demonstrate that the proposed development will be built to the highest sustainability standards.

Subject to the proposed condition, the proposal is considered to accord with Policy CC1.

## **Other Matters**

### Air Quality

Policy NE5 of the Warwick District Local Plan requires development proposals to ensure that they do not give rise to increased air pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors.

In response to issues relating to the impact on Air Quality, the Council produced the Air Quality and Planning Supplementary Planning Document that was adopted in January 2019. The SPD sets out a range of measures that should be incorporated within development proposals to mitigate the impact on Air Quality as a result of the development

The Environmental Protection Officer has recommended a condition to secure Air Quality Mitigation measures to be provided on site. As a minor development, Officers are satisfied that this is an appropriate approach to mitigating the Air Quality impacts of the development.

Subject to the proposed condition, Officers are satisfied that the development is acceptable having regard to Policy NE5 of the Local Plan.

### Trees/Hedgerows

The application was submitted with a detailed tree and hedgerow assessment of the site. The proposal will result in the removal of a row of conifer trees to the front boundary of the application site to facilitate the revised layout.

The Arboricultural Officer has assessed the proposal and has no objection to the removal of these trees. Replacement tree planting is proposed to the front boundary to mitigate for the loss of these trees and this can be secured with an appropriate landscaping condition.

It is noted that the mature lime trees within the highway verge are to be retained and conditions are proposed to ensure that these are protected during the works.

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

### Archaeology

Policy HE4 of the Warwick District Local Plan requires that any remains of archaeological value are properly evaluated prior to the determination of the planning application. Where a development will have an adverse effect on archaeological remains, the Council will require that an agreed programme of archaeological investigation and recording precedes development.

The proposal was subject to pre-application advice with the County Archaeology Team who considered the proposed development who confirmed that no archaeological work was necessary for the application site.

Officers are satisfied that the scheme is acceptable having regard to Policy HE4 of the Local Plan.

### Waste Storage

The proposed development includes a bin storage area to the side of the building containing the requisite waste and recycling bins for each proposed property. The bin storage area also includes the provision for the storage of bins for the dwelling at the rear of the site.

Officers note the comments of the Waste Management Officer that the drag distance from the dwelling is in excess of the standards set out within the Waste Management guidance. However, with the bins being capable of being located within the main storage area, these negates this concern. Should the homeowner decide to locate the bins within their property boundary to the rear, it would be their personal responsibility to deliver the appropriate bins to the kerbside for collection.

The Waste Management Officer has also noted that for developments of apartments, it is preferable to have larger, communal bins serving the apartments. If communal bins were to be used, the access would need to be upgraded to allow for the refuse vehicle to enter the site to service the large bins.

Officers have considered this and note that the site is constrained with the roadside trees forming a restriction to the increased size of the proposed access to allow the refuse vehicle to enter the site. There would also be a requirement for tarmac in lieu of the permeable block paving if the refuse vehicle were required to enter the site as there are maintenance concerns with the refuse vehicle tracking over blocked paving.

Having taken the above into consideration, Officers note that the restricted nature of the site would prevent the refuse vehicle entering the site and therefore, the use of individual bins for each unit is a preferable solution in this case. The homeowner would be responsible for presenting the bin to the roadside for collection and a collection point is identified just inside the access point. It is also noted that the adjacent site operates in a similar manner.

Officers are therefore satisfied that the development is acceptable from a waste management perspective.

## **Conclusion**

The proposal seeks the demolition of the existing single dwelling and the erection of a new building containing 8 apartments together with the provision of a new detached dwelling to the rear of the site. The development layout is near identical to the adjacent property at The Limes (No.15 Beverley Road) albeit with a more traditional approach to the fenestration.

The site also includes the provision of parking and amenity space to serve the future residents together with the appropriate amount of parking spaces to serve the development. Officers have assessed the proposal to ensure that no demonstrable harm would arise to the amenity of neighbouring properties and conditions are proposed to ensure that the side facing windows are obscure glazed.

The County Highways Officer has assessed the proposal and is satisfied that the development would not result in harm to highway safety.

Site specific matters are proposed to be controlled by conditions.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

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

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 691-12 Rev B, 691-13 Rev A, 691-114 Rev A, 691-15 Rev A, 691-16 Rev A and 691-17 Rev OR, and specification contained therein, submitted on 25 July 2023.

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

- 3 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

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

- 4 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website;

[https://www.warwickdc.gov.uk/downloads/file/5811/construction\\_management\\_plan](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.

- 5 Notwithstanding details contained within the approved documents, prior to commencement of development, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;
- a) How the development will reduce carbon emissions and utilise renewable energy;
  - b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
  - c) Details of the building envelope (including U/R values and air tightness);
  - d) How the proposed materials respond in terms of embodied carbon;
  - 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,

No dwelling/ building shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

- 6 No development above slab level shall 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 the soft landscaping works shall include a detailed schedule of all planting together with details of replacement tree planting to mitigate for the removed trees.

Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and

all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation.

Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

**Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 7 No development above slab level shall take place until a detailed drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details before the development is completed.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity in accordance with Policies FW1, FW2 and NE3 of the Warwick District Local Plan 2011-2029.

- 8 No development other than site clearance and site preparatory works 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.

- 9 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.

- 10 The development shall not be occupied until the access for vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres, [as measured from the near edge of the public highway carriageway].

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

- 11 The access to the site for vehicles shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

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

- 12 The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb and verge has been reinstated in accordance with the standard specification of the Highway Authority.

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

- 13 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

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

- 14 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.

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

- 15 Prior to the occupation of the development hereby permitted, the window(s) in the side elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view to a minimum height of at least 1.7 metres above the finished floor level of the room in which the window is installed. The windows shall also be non-opening unless the openable element is at least 1.7 metres above finished floor level. 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.

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**Planning Committee:** 13 February 2024

**Item Number:** 6

**Application No:** [W 23 / 1352](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Theo Collum

**Registration Date:** 13/09/23

**Expiry Date:** 08/11/23

01926 456526 [theo.collum@warwickdc.gov.uk](mailto:theo.collum@warwickdc.gov.uk)

**10 Park Road, Leamington Spa, CV32 6LG**

Proposed porch extension, single storey extension to office (rear elevation), first floor side extension over existing garage, Loft conversion. FOR Mr & Mrs Driffill

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This application is being presented to Committee due to the number of support comments received, contrary to officers' recommendation.

**RECOMMENDATION**

Planning Committee are recommended to REFUSE planning permission.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the erection of a first floor side extension, a single storey rear extension, the erection of three rear dormers, and the increase of the ridge height of the main roof.

**THE SITE AND ITS LOCATION**

The application relates to a detached house in Leamington Spa.

**PLANNING HISTORY**

None relevant.

**RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking
- [Royal Leamington Spa Neighbourhood Plan 2019-2029](#)
- RLS4 - Housing Character Outside the Conservation Areas
- [Guidance Documents](#)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)

**SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** - No comments to make.

**WCC Ecology** - Object pending preliminary bat roost assessment

**Public Response** - 7 comments in support, raising the following points:

- tasteful, well-designed extensions;
- there has been a lot of work to houses in the street; and
- consistent with the local character.

## **ASSESSMENT**

### Design

Local Plan Policy BE1 requires all development to relate harmoniously to the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design. The adopted Residential Design Guide SPD also sets out design principles to which development proposals will be expected to comply. In addition, Royal Leamington Spa Neighbourhood Plan Policy RLS4 requires proposals to demonstrate that they have responded to the predominant character of the local area.

Number 10 lies on the northern side of Park Road, which is characterised by detached two storey houses set back from the edge of the road. The houses are similar in design but not uniform, and it is clear that side extensions similar to the proposed first floor extension included in this application have been added to a number of the houses on this stretch of the street. While the Residential Design Guide requires a set down and set back to side extensions, in this context it is not considered that the proposal would result in harm to the street scene or result in an unacceptable lack of subservience to the original dwelling. Additionally, street scene imagery provided by the applicant demonstrates that while the houses are similar, they do vary in height, both taller and shorter than the existing house at number 10, and in this context the additional height added to the ridge of Number 10 would not result in the house dominating or otherwise looking incongruous within the street scene. The proposed rear extension and the changes to the porch are small in scale and are not considered to be harmful to the appearance of the dwelling.

However, while number 8 features a similar arrangement of three dormers on the rear pitch of the roof, these sit lower in the roof pitch, are generally narrower than those proposed on 10, and have a steeper pitch, resulting in a less boxy appearance, and less of an impression of mass to the rear of the building. The scale of these dormers, combined with their height within the roof and the flatter shape is considered to result in harm to the character and appearance of the area through the introduction of an incongruous feature and disproportionately increasing the bulk and mass of the house. The Residential Design Guide requires dormers to be modest, and located sensitively, and it is not considered that the location high in the roof pitch, and the scale of the

dormers would accord with this and although this feature would be to the rear of the house, it would be generally visible across neighbour's back gardens.

It is therefore considered that the proposed rear dormers would fail to harmonise with the character and appearance of the area, contrary to the Residential Design Guide, Local Plan Policy BE1 and Neighbourhood Plan Policy RLS4.

### Amenity

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents and future occupiers of the development, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property. This aims to prevent material harm on neighbouring dwelling, by reason of loss of light or outlook.

It is considered that the proposal would not result in unacceptable harm to the amenity of the neighbouring residents by reason of loss of light or outlook. The proposed development would not result in a breach of the 45 degree line to either of the neighbours and is not considered to have an unacceptable impact on the amenity of neighbouring occupiers.

The proposal is considered acceptable under Local Plan Policy BE3.

### Parking

Policy TR3 of the Warwick District Local Plan states development will only be permitted that does not result on on-street parking that is detrimental to highway safety and the Parking Standards SPD requires that garages are not considered as part of the parking provision of a development.

The proposed development would result in the loss of some usable off-street parking space. However, sufficient off-street parking would remain, in line with the Parking Standards SPD. The proposal is therefore acceptable under TR3.

### Ecology

The County Ecologist has recommended an updated Preliminary Bat Survey be undertaken, following a bat survey submitted with a previous application. However, Officers are mindful that this survey showed no signs of bat habitation, the roof space could be converted without the need for planning permission, and the property is well sealed and situated in a built-up area. Moreover, bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. It is a criminal offence to recklessly disturb or destroy a bat 'roost'. Where a bat 'roost' is present a licence may be necessary to carry out any works. If evidence of bats is found whilst carrying out works, there is a legal requirement to stop work and notify Natural England. A note advising the applicant of this will be added to any approval granted.

### Summary

It is considered that the proposed development would not harmonise with or enhance the character and appearance of the area, or retain subservience to the existing dwelling, and as such is contrary to Local Plan Policy BE1, the Warwick District Residential Design Guide and Neighbourhood Plan Policy RLS4. It is recommended the application is refused.

## **REFUSAL REASONS**

- 1 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore the Residential Design Guide SPD provides a detailed framework which should be followed in order to achieve good design. In addition, Neighbourhood Plan Policy RLS4 should respond to the character of the street in which they will be located.

The NPPF places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design.

In the opinion of the Local Planning Authority the proposed rear dormers would be overly large and bulky, significantly increasing the impression of built development and the bulk and mass of the building, making the house seem much larger and more massive than its neighbours from the rear.

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

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**Planning Committee:** 13 February 2024

**Item Number:** 7

**Application No:** [W 23 / 1461](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Kie Farrell

**Registration Date:** 01/11/23  
**Expiry Date:** 27/12/23

01926 456645 Kie.farrell@warwickdc.gov.uk

**Milverton School Playing Field, Lillington Avenue, Milverton, Leamington Spa, CV32 5TS.**

The widening of an existing vehicular access (permanent) and the formation of a new access (temporary, for construction) off Lillington Avenue, Leamington Spa, required in connection with the construction of an underground storage system FOR Severn Trent Water Limited

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the widening of an existing vehicular access (eastern, permanent) and the creation of a new access (western, temporary for construction) off Lillington Avenue, Leamington Spa. The works are required in connection with the construction of an underground water storage system, which should be noted is to be carried out under permitted development rights for statutory undertakers and does not require planning permission in itself. The work is part Severn Trent Water's Green Recovery Programme (which aims to improve water quality within watercourses within Warwickshire).

The following assessment therefore relates only to the proposed new and widened access points.

The proposed development subject of this application comprises the following elements:

1. Existing (Eastern) main vehicular access point to be widened (to 10m wide) by removing part of an existing brick wall (majority to be re-instated on completion of the project).
2. New (Western) temporary 10m wide access to be created by removing part of existing brick wall (to be re-instated on completion of the project).

## **THE SITE AND ITS LOCATION**

The application site relates to land to the north of Lillington Avenue and to the south of a playing field belonging to Milverton Primary School.

The site is within the Royal Leamington Spa Conservation Area.

## **PLANNING HISTORY**

None relevant.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- HE1 - Protection of Statutory Heritage Assets
- NE1 - Green Infrastructure
- Royal Leamington Spa Neighbourhood Plan 2019-2029

## **SUMMARY OF REPRESENTATIONS**

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

**WCC Highways:** No objection, subject to conditions.

**WDC Conservation Officer:** No objection.

**WDC Tree Officer:** No objection, subject to tree protection condition.

**WCC Ecology:** No objection.

### **Public Response:**

Five objections have been received on grounds that the proposal would result in the loss of the Milverton Primary School Playing field during the period of construction works.

One neutral comment has been received with concerns about the impact of the proposal on parking on Lillington Avenue.

## **ASSESSMENT**

### **Impact on the character and appearance of the conservation area**

The application site is within the Royal Leamington Spa Conservation Area.

The proposal involves the removal of parts of an existing brick boundary wall on Lillington Avenue in order to widen/create the proposed access points.

The Council's Conservation Officer has been consulted and raises no objection to the proposal.

#### Impact on the character and appearance of the surrounding area

The National Planning Policy Framework, December 2023 (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Furthermore, Warwick District Council's Local Plan 2011 - 2029 Policy BE1 seeks for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The proposal seeks to widen an existing access into the site and to create a temporary second access into the site. This will be done by removing sections of the existing brick boundary wall along Lillington Avenue. Officers do not consider that the proposal will have detrimental impact on the overall character and appearance of the site and surrounding area.

The proposal would therefore comply with the aforementioned policies.

#### Impact on the amenity of the neighbouring uses

Local Plan Policy BE3 requires development to have acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses.

The closest neighbouring residential dwellings are the flats adjacent to the existing eastern access point on the north side of Lillington Avenue. There are also residential properties on the southern side of Lillington Avenue.

It is not considered that the proposed access works will result in material harm to the residential amenity of the occupiers of these neighbouring properties and therefore the proposal complies with Local Plan Policy BE3.

#### Highway Safety

Local Plan Policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles. Development proposals must not have a detrimental impact on highway safety.

The Highways Authority have been consulted and raise no objection to the proposal, subject to the conditions attached to any granted approval. They have also requested that informative notes are also attached to any approval given.

It is considered that the proposal will not give rise to issues of highway safety and therefore accords with Policy TR1.

### Trees

The Council's Tree Officer has been consulted and raise no objection to the proposal, subject to a Tree Protection condition being attached to any permission given.

### Ecology

The County Ecologist has no objection to the proposal, subject to a note being added in relation to hedgehogs.

### Response to Objections

Five objections have been received on grounds that the proposal would result in the loss of the Milverton Primary School Playing field during the period of construction works.

The proposed access works will not directly result in the loss of the use of the playing field, rather this will be due to the construction of the underground water storage system, which will be implemented using permitted development rights afforded to Severn Trent Water as a statutory sewerage undertaker.

However, the applicant's agent has advised that during construction of the underground water storage system the school will utilise the playground on site for PE lessons and after school provisions.

The school is in the process of looking at alternative venues for the Year 6 fun day in the summer that is usually held on site as well as the sports day. These details are yet to be confirmed; however, Severn Trent Water will look to support the transport and venue costs once confirmed.

In regard to the private football coaching and after school activities that currently take place on the playing field outside of school hours, alternative locations are currently being explored.

The playing field will be restored and brought back into use once construction of the underground water storage system is complete.

The temporary loss of the playing field during the construction period is not considered to constitute a reason for refusal of the application proposal for the new and widened access. This is a necessary development for infrastructure improvements and the impact is for a limited period only.

### **CONCLUSION/SUMMARY**

The proposal will not result in an unacceptable impact on the character of the surrounding area or amenity of any nearby neighbouring uses. Nor will it have a harmful impact on the Conservation Area, Highway Safety or existing Trees on or adjacent to the site.

Therefore, the proposal is deemed acceptable and in accordance with the aforementioned policies and, as such, is recommended for approval.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 0004-S2- Rev P03, 0005-S2- Rev P01, 0006-S2- Rev P02, 0007-S2- Rev P02, 0008-S2- Rev P01, 0009-S2- Rev P01, and specification contained therein, submitted on 1st November 2023. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The parts of the existing brick boundary wall removed in order to provide the proposed access points shall be re-instated on completion of the works - as shown on drawing 0009-S2- Rev P01. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 4 Prior to the commencement of the development hereby approved (including all preparatory work), the tree protection measures as proposed by Ligna Consultancy in their Tree Protection Scheme document reference P3391-TPS01 V1 dated 22 September 2023 and as illustrated on their Tree Protection Plan, together referred to as the scheme of protection, shall be adopted.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

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

- 5 The accesses to the site hereby permitted shall not be used unless public highway footway/verge crossing have been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** To secure a satisfactory form of development in the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 6 Upon completion of the works hereby permitted, all parts of the accesses within the public highway not included in the permitted means of access

shall be closed and the kerb, footway and verge reinstated in accordance with the standard specification of the Highway Authority. **Reason:** To secure a satisfactory form of development in the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

**Planning Committee:** 13 February 2024

**Item Number:** 8

**Application No:** [W 23 / 1628](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Kie Farrell

**Registration Date:** 04/12/23  
**Expiry Date:** 29/01/24

01926 456645 Kie.farrell@warwickdc.gov.uk

**Warwick Arms Hotel, 17 High Street, Warwick, CV34 4AT**  
Laying of new stone patio and timber sleepers over existing patio area  
(retrospective application) FOR Mr Guy Middlebrook

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

### **RECOMMENDATION**

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

### **DETAILS OF THE DEVELOPMENT**

The application seeks retrospective planning permission for the laying of new stone patio and timber sleepers over an existing patio area within the rear courtyard of the Warwick Arms Hotel.

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

The application site is the Warwick Arms Hotel which is a Grade II listed building in the Warwick Town Centre and Warwick Conservation Area.

The patio area is to the rear of the main hotel building within the existing rear courtyard which can be accessed through the rear door of the Hotel building or via Back Lane.

The hotel benefits from an existing car park (separate from the rear courtyard), accessed off Back Lane.

### **PLANNING HISTORY**

None relevant.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Holding objection until comments are received from Environmental Health and Conservation. The Town Council notes the serious concerns expressed by the residents of 4 and 6 Back Lane and anticipates these being addressed appropriately so a workable solution is found for all parties.

**WDC Conservation Officer:** No objection.

**WDC Environmental Health Officer:** No objection, subject to conditions.

### **Public Response:**

15 comments in support of the proposal received on the following grounds:

- A successful hotel in Warwick is good for the town
- Support improvements to the hotel
- Keeps smokers off the front High Street pavement
- Lovely outdoor space
- Has improved existing patio and not created a new area

7 objections received on the following grounds:

- Noise disturbance
- Impact on listed building
- Access to garages blocked by parked staff/ guest vehicles
- Cigarette smoke pollution
- Children playing football in courtyard

## **ASSESSMENT**

The impact on the character and appearance of the Conservation Area and the setting of the Listed Building

The application site is within the Warwick Conservation Area.

The Council's Conservation Officer has been consulted and considers the impact of the proposal on the Conservation Area to be neutral, raising no objection.



The Conservation Officer's comments are set out in full below:

*"The area in question forms part of the rear external courtyard and is primarily recessed between two sections of the hotel. A small number of stone setts have been replaced with stone slabs to form an external area and whilst there is minor harm resulting from this, the majority of the courtyard remains as stone setts therefore the historic narrative of the space is considered to remain legible. The building operates as a hotel, which is considered to be the optimum viable use for the heritage asset, and a safe, designated external space for smokers is considered to relate to this function. The sleepers are low level, and the barriers offer a degree of visual permeability whilst the stone slabs are muted in colour. Overall, I would not consider the significance of the heritage asset to be impacted by the proposal and the minor visual impact from the installation of the barriers, as well as the minor harm from the removal of the stone setts, to result in a neutral impact, as these are balanced when weighed against the public benefits of providing a safe, level, designated external area within a courtyard where there are moving vehicles.*

*Paragraph 205 of the NPPF explains that great weight should be given to the conservation of an asset, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this instance, from a conservation perspective, the minor harm of the replacement of a small section of stone setts with slabs to provide an external smoking area with even flooring is considered to adhere to this policy."*

The proposal is therefore considered to accord with Local Plan Policy HE1.

Planning and Conservation Officers are satisfied that as none of the timber sleepers (or any other part of the proposal) attach to or touch the listed building and therefore there is no separate requirement for listed building consent.

#### Impact on character of surrounding area

The National Planning Policy Framework, December 2023 (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Furthermore, Warwick District Council's Local Plan 2011 - 2029 Policy BE1 seeks for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The proposed patio area abuts the rear elevation of the main hotel building and comprises patio stones and timber sleepers with tables and chairs contained by a boundary treatment comprising metal poles and vinyl panels.

The patio area is approximately 8m wide by 8m deep (floor area approximately 64 sq m).

The patio area is located to the rear of the Warwick Arms Hotel and so will not be seen in the High Street street scene.

The patio area will be visible from the rear windows of the neighbouring residential properties (Nos. 2, 4, 6, 8 and 10 Back Lane), however it is not considered that it will have a harmful visual impact on the occupiers of these properties.

Officers consider that the proposal will not have a detrimental impact on the overall character and appearance of the site or surrounding Conservation Area.

The proposal would therefore comply with the aforementioned policies.

#### Impact on the amenity of the neighbouring uses

Local Plan Policy BE3 requires development to have acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy and noise.

The patio area is at the narrow west end of the U-shaped courtyard area abutting the main Hotel building which fronts High Street. On the northern side of the courtyard are Hotel bedrooms and on the southern side of the courtyard are the rear elevations, garages and rear entrances to the two-storey private residential dwellings at Nos. 2, 4, 6, 8 and 10 Back Lane.

There is recent history of noise complaints from occupiers of nearby residential properties regarding noise from hotel customers and staff using the patio area / outdoor courtyard area.

It should be noted that there is currently no restriction on the hours of use of the existing outdoor courtyard area which has historically been used for drinking, smoking and socialising incidental to the lawful use as a hotel.

The Environmental Health department were consulted on the proposal with regards to noise impact on neighbouring residential properties.

Given the recent noise complaint history the Environmental Health Officer has recommended two conditions. The first condition would restrict the use of the patio area to between the hours of 07.30 and 22.00 on any day and the second condition would prohibit amplified music. The applicant has confirmed that he is willing to accept these conditions.

Given that there is currently no restriction on the hours of use of the outdoor courtyard area, it is considered that the proposed contained patio area along with the conditions suggested by the Environmental Health Officer represent a good opportunity for the Local Planning Authority to gain control over the hours of use of this outdoor drinking/smoking area which will protect the residential amenity of the neighbouring residential dwellings on Back Lane.

Subject to the suggested restrictive conditions, it is considered that the proposal will not result in material harm to the residential amenity of occupiers of the neighbouring properties and therefore the proposal complies with Local Plan Policy BE3.

### Highway Safety and Parking

Local Plan Policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles. Development proposals must not have a detrimental impact on highway safety.

Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The hotel's rear courtyard and separate car park (13 spaces) are accessed via Back Lane. The proposal does not result in any changes to these existing access arrangements.

The rear courtyard area is used for informal car parking and deliveries. The hotel benefits from an existing separate car park which is not affected by the proposal.

The proposal does not result in the loss of any existing formal car parking spaces.

The proposal is considered to be in accordance with Policies TR1 and TR3 in terms of highway safety and parking.

### **CONCLUSION/SUMMARY**

The proposal will not result in an unacceptable impact on the character of the surrounding area, nor will it have a harmful impact on the Warwick Conservation Area or setting of the Listed Building.

Subject to conditions restricting the hours of use of the patio area and prohibiting amplified music, the proposal will not have a harmful impact on the amenity of neighbouring residential properties.

The proposal is considered to be acceptable in terms of Highways Safety and Parking.

The proposal is deemed acceptable and in accordance with the aforementioned policies and, as such, is recommended for approval.

### **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan (WAH/02) and approved drawing WAH/03 and specification contained therein, submitted on 17th November 2023 and drawing WAH/04 submitted on 23rd November 2023. **Reason:** For the avoidance of doubt and to

secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 2 The patio area shall not be used/ occupied between the hours of 2200 and 0730 on any day. **Reason:** To ensure that the use of the patio area does not result in unacceptable noise disturbance to the detriment of the amenities of the occupiers of nearby residential properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
  
- 3 No speakers for the amplification of music and/or voice shall be placed in the patio area or on the outside of any building forming a part of the patio area. **Reason:** To ensure that the use of the proposed patio area does not cause unacceptable noise disturbance to the detriment of the amenities of the occupiers of nearby residential properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 13 February 2024

**Item Number:** 9

**Application No:** [W 23 / 1651](#)

**Town/Parish Council:** Cubbington  
**Case Officer:** Theo Collum

01926 456526 theo.collum@warwickdc.gov.uk

**Registration Date:** 15/11/23

**Expiry Date:** 10/01/24

**2 Pinehurst, Cubbington, Leamington Spa, CV32 7XA**

Two storey side extension and conversion of existing garage. Resubmission of W/23/0558. FOR Ms S Ananth

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning Permission is sought for the erection of a two-storey side extension. This application is a resubmission to make changes to the front elevation approved under W/23/0558.

**THE SITE AND ITS LOCATION**

The application site relates to a semi-detached house in Cubbington, Leamington Spa.

**PLANNING HISTORY**

W/23/0558 Erection of a two-storey side extension - granted

**RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- [Guidance Documents](#)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)

## **SUMMARY OF REPRESENTATIONS**

WCC Ecology - object pending a Preliminary Bat Roost Assessment

Public Response - 10 objections on the basis of parking, design, and other matters not related to planning

## **ASSESSMENT**

### Design

Local Plan Policy BE1 requires all development to relate harmoniously to the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design. The adopted Residential Design Guide SPD also sets out design principles to which development proposals will be expected to comply.

The proposed extension within this application is very similar to that approved in previous application W/23/0558, with the only change proposed in this application the replacement of two garage doors with windows, and the use of the interior space that was previously proposed to be a garage as a sitting room. The change to the interior use would not be considered development and as such does not require planning permission. The change of the garage doors to windows is not considered to result in harm to the street scene. Every other aspect of the extension was previously approved under W/23/0558, and therefore this application is considered to be acceptable under Local Plan Policy BE1.

### Amenity

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property. This aims to prevent material harm to neighbouring dwellings, by reason of loss of light or outlook.

The footprint, bulk and mass of this proposal is unchanged from previous application W/23/0558, which was not considered to result in any harm to neighbour amenity as the proposed development would not result in a breach of the 45 degree line to any of its neighbours. It was also not considered that the development would result in an unacceptable level of overlooking to any neighbour's garden. No windows were proposed in any side elevation, and the line of sight from the new rear windows over adjoining gardens was not considered to be abnormal or excessive. Nothing is proposed in the current application that would alter this view.

Therefore, this proposal is also considered acceptable in accordance with Local Plan Policy BE3.

### Parking

Policy TR3 of the Warwick District Local Plan states development will only be permitted that does not result in on-street parking that is detrimental to highway safety and the Parking Standards SPD requires that garages are not considered as part of the parking provision of a development.

The proposal would not result in any additional need for parking or any loss of usable parking relative to the previously approved plans. Per the Parking Standards SPD, garages should not be considered as parking spaces, reflecting the way garages are used predominantly for other storage. Additionally, this interior change could be made after the completion of the extension without needing permission.

As explained in the report accompanying the previous application, the existing carport would not be considered a usable parking space, being enclosed on both sides and narrower than 3.5m, as stated in the Parking Standards SPD. Therefore, no usable off street parking space is lost as a result of the proposed development. The proposal does also include the provision of two new bedrooms, increasing the number within the dwelling from 4 to 6, this is not associated with an increase in the parking spaces required to be provided by a dwelling, as laid out in the Parking Standards SPD. Therefore, the proposed development is acceptable under Local Plan Policy TR3.

#### Ecology

The County Ecologist has recommended a Preliminary Bat Survey be undertaken. However, given that an application for largely identical works has already been granted, and work commenced, it is considered unnecessary to insist on a survey for this application, which does not introduce any features that would cause any harm to bat habitats beyond those already approved in W/23/0558.

#### Public Response

A number of objections were received on the basis of parking and design, which have been considered above. A number of comments also pointed out possible discrepancies between the plans as submitted and the extension as it looks to be being built. There is a currently open enforcement case considering this, however for the purpose of this application, the determination is solely based on the drawings that have been submitted and whether they would be acceptable in planning terms. Other comments raised issues more appropriately dealt with by building control.

#### Summary

The proposed development would have an acceptable impact under policies BE1, BE3, and TR3, and as such is recommended for approval.

### **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 4242-02B, and specification contained therein, submitted on 15/11/2023. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
  
  - 2 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
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