

Planning Committee

Minutes of the remote meeting held on Tuesday 14 July 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

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

Also Present: Committee Services Officer – Mr Edwards; Principal Committee Services Officer – Mrs Dury (observing only); Legal Advisor – Mrs Gutteridge; Development Services Manager – Mr Fisher; and Principal Planning Officer – Mr Charles.

21. **Apologies and Substitutes**

- (a) There were no apologies made; and
- (b) Councillor Davison substituted for Councillor Kennedy.

22. **Declarations of Interest**

There were no declarations of interest.

23. **Site Visits**

To assist with decision making, Councillors Ashford, Boad, Jacques, Leigh-Hunt and Morris had made independent visits to the following application site:

W/19/1940 and W/19/1941LB – Kings High School for Girls, Chapel Street, Warwick.

24. **W/19/1940 – Kings High School for Girls, Chapel Street, Warwick**

The Committee considered an application from Wake Green (Warwick) Limited for the redevelopment of former King's High School site consisting of the main school site, Priory Building, St Nicholas Building and numbers 2 and 10-14 Chapel Street. The development was to include the demolition of gymnasium building, sixth form building, language building, Priory Building and modern elements attached to the Listed Buildings together with alterations to the external appearance of retained non-Listed Buildings; the erection of new apartment buildings and town houses together with the conversion of retained buildings to create a total of 118 residential units in a mixture of houses, apartments and duplexes; and the creation of underground car and cycle parking together with hard and soft landscaping and other associated works.

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

The officer was of the opinion that the scheme sought the redevelopment of the former Kings High School Site within the historic core of Warwick for residential development. The proposed scheme was considered to provide an acceptable form of development to create 118 homes of varying sizes

PLANNING COMMITTEE MINUTES (Continued)

together with 30% affordable units together with appropriate levels of off-street parking to serve all units.

Site specific matters could be controlled by appropriate conditions to ensure that the development was acceptable and did not cause undue harm to the amenity of local residents during the construction phase.

An addendum circulated at the meeting advised that in relation to Condition 2, revised plans had been received to omit reference to the use of upvc. This required the plan references to be updated in Condition 2. No changes to the overall scheme were proposed.

The addendum also advised that additional bat surveys were submitted to overcome the need for Condition 3. Officers requested delegated authority to remove/amend the condition on the basis of the feedback provided by WCC Ecology to the updated survey work.

The following people addressed the Committee:

- Councillor Cross, Town Councillor, supporting;
- Mr Mackay, speaking on behalf of CAF, objecting;
- Mr Phillips, supporting; and
- Councillor Skinner, District Councillor, objecting.

Therefore, following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Heath and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

Resolved that W/19/1940 be **granted** subject to the conditions below, and a Section 106 agreement to secure the necessary financial contributions/obligations as set out in the report.

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

Should a satisfactory Section 106 Agreement not have been completed within two months of 14 July 2020, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

Authority is delegated to officers to remove or amend Condition 3 on the basis of the feedback provided by WCC Ecology to the updated bat surveys.

PLANNING COMMITTEE MINUTES (Continued)

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) 18050-0421-P-01, 18050-0422-P-01, 18050-0461-P-01, 18050-0462-P-01, 18050-0463-P-01, 18050-0464-P-01, 18050-0465-P-01, 18050-0810-P-00, 18050-0811-P-00, 18050-0813-P-00, 18050-0823-P-00, 18050-0830-P-00, 18050-0831-P-00 and 18050-0832-P-00 and specification contained therein, submitted on 14 November 2019 and approved drawing(s); 18050-0353-P-03, 18050-0354-P-03, 18050-0372-P-03, 18050-0423-P-01, 18050-0451-P-04, 18050-0452-P-03, 18050-0454-P-03, 18050-0460-P-03, 18050-0501-P-01, 18050-0553-P-03, 18050-0601-P-03, 18050-0650-P-03, 18050-0701-P-02, 18050-0703-P-00, 18050-0715-P-02, 18050-0720-P-01, 18050-0721-P-02, 18050-0722-P-00, 18050-0730-P-00, 18050-0750-P-02, 18050-0751-P-02, 18050-0752-P-01, 18050-0753-P-01, 18050-0760-P-02, 18050-0820-P-01, 18050-0821-P-01, 18050-0822-P-01, 18050-0849-P-03, 18050-0851-P-05, 18050-0852-P-03, 18050-0853-P-04 (F&G 3rd Floor Plan), 18050-0853-P-04 (F&G Undercroft Plan), 18050-0855-P-03, 18050-0901-P-02, 18050-0950-P-04, and specification contained therein, submitted on 20 April 2020 and approved drawing(s); 18050-0552-P-05, 18050-0554-P-04, 18050-0555-P-04, 18050-0850-P-08, and specification contained therein, submitted on 12 June 2020 and approved drawing(s) 18050-0450-P-04 and specification contained therein, submitted on 23 June 2020 and approved drawing(s) 18050-0420-P-02, 18050-0466-P-02, 18050-0467-P-03, 18050-0468-P-03, 18050-0469-P-03, 18050-0560-P-04, 18050-0561-P-03, 18050-0660-P-04, 18050-0860-P-06, 18050-0861-P-05, 18050-0960-P-04, 18050-0960-P-04 and specification contained therein, submitted on 6 July 2020. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

PLANNING COMMITTEE MINUTES (Continued)

- (3) the development hereby permitted (including demolition and site preparation works) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;
- (4) no phase of development (including demolition and site preparation works) shall be undertaken unless and until a Construction Management Plan for that phase has been submitted to and approved in writing by the District Planning Authority. The Construction Management Plan shall be strictly adhered to and shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway; noise, vibration and dust suppression, a construction phasing plan; and a HGV routing plan. **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) no phase of development excluding works of demolition shall take place until:
- A desk-top study has been carried out for the phase that shall include the identification of previous site uses, potential contaminants that might Reasonably be expected given those uses and other relevant information, and, using this information, a

PLANNING COMMITTEE MINUTES (Continued)

diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.

- a) If identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
- A risk assessment to be undertaken relating to human health;
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
 - An appropriate gas risk assessment to be undertaken; and
 - Refinement of the conceptual model.

The development of a method statement detailing the remediation requirements

- b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
- c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.
- d) All development of the site shall accord with the approved method statement.
2. If during development, contamination

PLANNING COMMITTEE MINUTES (Continued)

not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

3. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;
- (6) no development (including demolition and site preparation works) shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;
- (7) no development including demolition and site preparation works shall take place until the means of construction of the foundations of the buildings to be constructed, together with any other proposed earthmoving and excavation works required in connection with their construction, has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify

PLANNING COMMITTEE MINUTES (Continued)

and incorporate any measures such as vibration monitoring, to ensure that the risk of adversely affecting the stability of the adjacent buildings is appropriately minimised. The development shall thereafter only be carried out in accordance with the agreed Method Statement. **Reason:** In the interests of avoiding the risk of creating land instability arising for any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which could adversely affect the structural integrity of the adjacent buildings in accordance with the advice and guidance on land stability contained in paragraphs 170 and 178 of the NPPF and the NPPG;

- (8) no development including demolition and site preparation works on each phase of development shall commence until an appropriate programme of historic building recording and analysis for that phase has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **Reason:** To satisfy Policy HE1 of the Warwick District Local Plan 2011-2029 and to ensure that an appropriate record is made of the historic building fabric that may be affected by the development;
- (9) the development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Due to the size of this development a sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a Reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected. Surface water is proposed to discharge to the public sewer, which will be subject to a section 106 sewer connection approval. As a pumped solution is being
- Item 4b / Page 7

PLANNING COMMITTEE MINUTES (Continued)

proposed for surface water discharge from this site, a sewer modelling assessment may be required to determine what impact the generated flows from this site will have on the network and to determine the maximum pump rate that could be accommodated within the existing network without worsening the existing sewer performance in rainfall events. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution;

- (10) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the Tree Survey Assessment from Cotswold Wildlife Surveys have been put into place in full, and thereafter remain in place for the full duration of any such work. **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;
- (11) no phase of development shall be occupied until the vehicular access and into the application site for that phase has been provided and constructed to the standard specification of the Local Highway Authority. **Reason:** To ensure the protection of highway and pedestrian safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029;
- (12) no dwelling hereby permitted shall be occupied until the access and parking (including footpath connections) 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

PLANNING COMMITTEE MINUTES (Continued)

Authority. **Reason:** To ensure the protection of highway and pedestrian safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029;

(13) the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;

(14) no dwelling on a phase of development shall be occupied unless and until a hard and soft landscaping scheme for that phase has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-
Item 4b / Page 9

PLANNING COMMITTEE MINUTES (Continued)

2029;

- (15) no development, other than the demolition of existing buildings to groundslab only, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753, provide cross-sections for attenuation features;
 - demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements;
 - calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
 - provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event; and
 - provide evidence to show an agreement from Severn Trent Water to connect to or reuse existing connections the existing surface water network. **Reason:** To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity;
- (16) no occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including

PLANNING COMMITTEE MINUTES (Continued)

contact name and details shall be provided to the LPA within the maintenance plan. **Reason:** To ensure the future maintenance of the sustainable drainage structures;

- (17) no dwelling on each phase of development hereby permitted shall be occupied until details of all external light fittings and external light columns for that phase have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the southern side of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter. **Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029;
- (18) notwithstanding the finished floor levels details submitted, no development above ground level in each phase shall take place until details of the finished floor levels of all buildings, together with details of existing and proposed site levels for each phase on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (19) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have

PLANNING COMMITTEE MINUTES (Continued)

been submitted to and approved in writing by the local planning authority for the relevant phase. 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;

- (20) no development shall be carried out above slab level unless and until large scale details of doors, roof lights, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods and railings at a scale of 1:5 (including details of materials) for the relevant phase have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;

- (21) notwithstanding the details shown on the approved plans, all window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029 and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029;

- (22) no dwelling hereby permitted shall be occupied unless and until the car parking provision for the relevant phase has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029;

- (23) none of the apartments hereby permitted shall

PLANNING COMMITTEE MINUTES (Continued)

be occupied until the bin and cycle store for that apartment 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. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies BE1, TR1 and TR3 of the Warwick District Local Plan 2011-2029;

- (24) no part of the development hereby permitted shall be occupied until a detailed waste management strategy/ plan to demonstrate that the waste from the site can be satisfactorily disposed of has been submitted to and approved in writing. Thereafter, the development shall only operate strictly in accordance with the approved plan. **Reason:** To ensure an acceptable waste disposal strategy is in place for future occupants of the development having regard to Policy BE3 of the Warwick District Local Plan 2011-2029;
- (25) the development hereby permitted shall not be occupied until the noise mitigation measures detailed in the approved documents have been installed. The development shall be completed in full accordance with the approved details. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (26) 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;
- (27) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or

PLANNING COMMITTEE MINUTES (Continued)

other means of enclosure shall be erected within the curtilage of any dwellinghouse fronting a highway or footpath. **Reason:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (28) notwithstanding notes on the drawings, the bay window located to the rear elevation of Landor House and the historic window in proposed Apartment 15 on the first floor (above the classrooms) shall be retained, unless it can be demonstrated that the existing is beyond repair. Before any replacement window is agreed, a written report on the condition of the window shall be submitted to and approved in writing by the Local Planning Authority. **Reason:** To protect the character of the Listed Building and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;
- (29) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;
- (30) an additional condition requiring the design of the buildings to Building for Life Standards;
- (31) an additional condition relating to the provision of a sustainability statement; and

PLANNING COMMITTEE MINUTES (Continued)

(32) an additional condition ensuring the clear glazing of certain windows.

25. W/19/1941LB – Kings High School for Girls, Chapel Street Warwick

The Committee considered an application from Wake Green (Warwick) Limited for the redevelopment of former King's High School site consisting of the main school site, Priory Building, St Nicholas Building and numbers 2 and 10-14 Chapel Street. The development was to include the demolition of gymnasium building, sixth form building, language building, Priory Building and modern elements attached to the Listed Buildings together with alterations to the external appearance of retained non-Listed Buildings; the erection of new apartment buildings and town houses together with the conversion of retained buildings to create a total of 118 residential units in a mixture of houses, apartments and duplexes; and the creation of underground car and cycle parking together with hard and soft landscaping and other associated works

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

Officers welcomed the applicant's proposals to retain all Listed and Historic Buildings on the site and the demolition of the modern extensions that detracted from the setting of the Listed Buildings.

Officers were satisfied that the proposed development paid special regard for the desirability of preserving the special interest of the Listed Buildings and their settings in accordance with Section 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Overall, the revised scheme was considered to represent a high quality design in a sensitive location which provided significant visual enhancements within the area and therefore accord with the NPPF and Local Plan Policies, BE1, HE1 and HE2

An addendum circulated at the meeting advised that in relation to Condition 2, revised plans had been received to omit reference to the use of upvc. This required the plan references to be updated in Condition 2. No changes to the overall scheme were proposed.

The following people addressed the Committee:

- Councillor Cross, Town Councillor, supporting;
- Mr Mackay, speaking on behalf of CAF, objecting
- Mr Phillips, supporting, and
- Councillor Skinner, District Councillor, objecting.

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

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/19/1941LB be **granted** subject to the following conditions:

- (1) the works hereby permitted shall begin not later than three years from the date of this consent.
Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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) 18050-0421-P-01, 18050-0422-P-01, 18050-0461-P-01, 18050-0462-P-01, 18050-0463-P-01, 18050-0464-P-01, 18050-0465-P-01, 18050-0810-P-00, 18050-0811-P-00, 18050-0813-P-00, 18050-0823-P-00, 18050-0830-P-00, 18050-0831-P-00 and 18050-0832-P-00 and specification contained therein, submitted on 14 November 2019 and approved drawing(s); 18050-0353-P-03, 18050-0354-P-03, 18050-0372-P-03, 18050-0423-P-01, 18050-0451-P-04, 18050-0452-P-03, 18050-0454-P-03, 18050-0460-P-03, 18050-0501-P-01, 18050-0553-P-03, 18050-0601-P-03, 18050-0650-P-03, 18050-0701-P-02, 18050-0703-P-00, 18050-0715-P-02, 18050-0720-P-01, 18050-0721-P-02, 18050-0722-P-00, 18050-0730-P-00, 18050-0750-P-02, 18050-0751-P-02, 18050-0752-P-01, 18050-0753-P-01, 18050-0760-P-02, 18050-0820-P-01, 18050-0821-P-01, 18050-0822-P-01, 18050-0849-P-03, 18050-0851-P-05, 18050-0852-P-03, 18050-0853-P-04 (F&G 3rd Floor Plan), 18050-0853-P-04 (F&G Undercroft Plan), 18050-0855-P-03, 18050-0901-P-02, 18050-0950-P-04, and specification contained therein, submitted on 20 April 2020 and approved drawing(s); 18050-0552-P-05, 18050-0554-P-04, 18050-0555-P-04, 18050-0850-P-08, and specification contained therein, submitted on 12 June 2020 and approved drawing(s) 18050-0450-P-04 and specification contained therein, submitted on 23 June 2020 and approved drawing(s) 18050-0420-P-02, 18050-0466-P-02, 18050-0467-P-03, 18050-0468-P-03, 18050-0469-P-03, 18050-0560-P-04, 18050-0561-P-03, 18050-0660-P-04, 18050-0860-P-06, 18050-0861-P-05, 18050-0960-P-04, 18050-0960-P-04 and specification contained therein, submitted on 6 July 2020. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

PLANNING COMMITTEE MINUTES (Continued)

- (3) no development shall take place until the means of construction of the foundations of the buildings to be constructed, together with any other proposed earthmoving and excavation works required in connection with their construction, has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify and incorporate any measures such as vibration monitoring, to ensure that the risk of adversely affecting the stability of the adjacent buildings is appropriately minimised. The development shall thereafter only be carried out in accordance with the agreed Method Statement. **Reason:** In the interests of avoiding the risk of creating land instability arising for any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which could adversely affect the structural integrity of the adjacent buildings in accordance with the advice and guidance on land stability contained in paragraphs 170 and 178 of the NPPF and the NPPG;
- (4) no development on each phase of development shall commence until an appropriate programme of historic building recording and analysis for that phase has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **Reason:** To satisfy Policy HE1 of the Warwick District Local Plan 2011-2029 and to ensure that an appropriate record is made of the historic building fabric that may be affected by the development;
- (5) 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 for the relevant phase. 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.
- (6) no development shall be carried out above slab level unless and until large scale details of doors, roof lights, windows (including a section showing the window reveal, heads and cill details), eaves,

PLANNING COMMITTEE MINUTES (Continued)

verges and rainwater goods and railings at a scale of 1:5 (including details of materials) for the relevant phase have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;

- (7) notwithstanding the details shown on the approved plans, all window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029 and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029;
- (8) notwithstanding notes on the drawings, the bay window located to the rear elevation of Landor House and the historic window in proposed Apartment 15 on the first floor (above the classrooms) shall be retained, unless it can be demonstrated that the existing is beyond repair. Before any replacement window is agreed, a written report on the condition of the window shall be submitted to and approved in writing by the Local Planning Authority. **Reason:** To protect the character of the Listed Building and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;
- (9) an additional condition requiring the design of the buildings to Building for Life Standards;
- (10) an additional condition relating to the provision of a sustainability statement; and
- (11) an additional condition ensuring the clear glazing of certain windows.

26. W/19/0531 – Milverton House, Court Street, Royal Leamington Spa

The Committee considered an outline application from Chalice Build Ltd for the erection of two blocks of residential accommodation of up to 90 bed spaces together with undercroft parking.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because of the number of objections and including an objection from Royal Leamington Spa Town Council.

The officer was of the opinion that the site was allocated for residential development within the Warwick District Local Plan for up to 75 residential units. The scheme was considered to accord with the allocation. Site specific matters could be controlled by appropriate conditions and Section 106 obligations.

(At 7.52pm, the meeting was adjourned for 15 minutes' because of the time limit on recording YouTube feeds.)

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

Resolved that for W/19/0531, be **granted** subject to the conditions below and a Section 106 Agreement to secure the necessary financial contribution/obligations as set out in the report.

Authority is delegated to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 Agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

Should a satisfactory Section 106 Agreement not have been completed within two months of 14 July 2020, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

Conditions:

(1) Reserved Matters

details of the appearance and landscaping of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended);

(2) Submission of Reserved Matters Timescale

Item 4b / Page 19

PLANNING COMMITTEE MINUTES (Continued)

application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

(3) **Commencement of Development**

the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

(4) **Approved Plans**

the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 17/53/05c, and specification contained therein, submitted on 17 June 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (5) the reserved matters submission shall be submitted in accordance with the general parameters as set out on drawing numbers 17/53/07D, 17/53/08D, 17/53/09D, 17/53/11C, 17/53/12D, 17/53/14A and 17/53/15A submitted on 17 September 2019. **Reason:** For the avoidance of doubt and to define the scale and form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

(6) **Ecological and Landscaping Scheme**

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

Reason: To protect and enhance the

PLANNING COMMITTEE MINUTES (Continued)

ecological quality of the site in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;

(7) **Submission of drainage details**

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

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

Thereafter, the development shall be carried out in strict accordance with the approved details. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

(8) **Noise Mitigation**

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

Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

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

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (10) the development hereby permitted (including any works of demolition) 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; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;

- (11) **Low Emission Strategy**

no phase of the development shall commence unless and until a Low Emission Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be implemented in strict accordance

PLANNING COMMITTEE MINUTES (Continued)

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

(12) Details of External Lighting

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

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

(13) Samples of Materials

no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

(14) Site Levels/Finished Floor Levels

no development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with adjacent phases have been submitted to and approved in writing by the Local Planning

PLANNING COMMITTEE MINUTES (Continued)

Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

(15) Landscape Replacement Planting

any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, within the first planting season following the first occupation of the development. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

(16) Water Efficiency

notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be

PLANNING COMMITTEE MINUTES (Continued)

maintained strictly in accordance with the any relevant manufacturer's specifications.

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

- (17) an additional condition preventing the use of the buildings as HMO'S;
- (18) an additional condition requiring the design of the buildings to Building for Life Standards; and
- (19) an additional relating to the provision of a sustainability statement.

(The meeting ended at 8.14pm)

CHAIRMAN
11 August 2020