

# Planning Committee

Minutes of the meeting held on Tuesday 21 June 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

**Also Present:** Principal Committee Services Officer – Lesley Dury; Civic & Committee Services Manager – Patricia Tuckwell (observing only); Legal Advisor – Aimee Shipley; Business Manager – Sandip Sahota; and Planning Officer – Jonathan Gentry.

## 10. Apologies and Substitutes

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

## 11. Declarations of Interest

Minute Number 15 – W/21/1625 – 264 Valley Road, Lillington, Royal Leamington Spa

Councillor Tangri left the room at the start of this application. When he returned after the decision had been made, the Chairman asked him to explain why he had left the room. Councillor Tangri declared an interest because he knew the applicant.

Minute Number 17 – W/22/0579 – 47 Beverley Road, Royal Leamington Spa

Councillor Gifford declared an interest because he would be addressing the Committee as Ward Member on this application. He left the room after addressing the Committee and returned once the decision had been made.

## 12. Site Visits

To assist with decision making, the following Councillors made independent site visits to the following application sites:

Councillor Dickson:

- W/21/2125 – 192 Cromwell Lane, Burton Green
- W/22/0338 – 27 Fieldgate Lane, Kenilworth
- W/22/0579 – 47 Beverley Road, Royal Leamington Spa

Councillor Jacques:

- W/21/1625 – 264 Valley Road, Lillington, Royal Leamington Spa
- W/22/0313 – 68 Braemar Road, Lillington, Royal Leamington Spa

## PLANNING COMMITTEE MINUTES (Continued)

### 13. Minutes

- (a) Following a request from the Democratic Services Manager & Deputy Monitoring Officer, the approval of the minutes of the meeting held on 4 May 2022 was deferred until July to allow time to respond appropriately to questions raised by two councillors; and
- (b) the minutes of the meeting held on 18 May 2022 were taken as read and signed by the Chairman as a correct record.

### 14. **W/22/0338 – 27 Fieldgate Lane, Kenilworth**

The Committee considered an application from Mr and Mrs Lilley for the erection of a detached garage.

The application was presented to Committee because of the number of objections received when the recommendation was that the application should be approved.

The officer was of the opinion that the development proposals were considered to be in keeping with the character and appearance of the property and the surrounding 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, nor would they cause harm to TPO trees around the site or protected species. The proposals were in accordance with the aforementioned policies, and it was therefore recommended that the application should be approved.

The following people addressed the Committee:

- Mr Martin, objector;
- Mr Lilley, the applicant; and
- Councillor Illingworth, District Councillor, objecting.

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

The Committee therefore

**Resolved** that W/22/0338 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. <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) 21.022-04E submitted on 22nd February 2022, 21.022-08C |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | submitted on 11th May 2022 and specification contained therein. <b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;   |
| (3)        | prior to the commencement of the development hereby approved (including all preparatory work), the tree protection measures in the MPL Tree Consultancy Arboricultural Impact Assessment, reference PD 002242A dated April 2022 including their Arboricultural Method Statement and appended Tree Protection Plan, together referred to as the scheme of protection, shall be implemented in full. The development thereafter shall be carried out 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.<br><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; and |
| (4)        | no development shall be carried out above slab level unless and until samples of the external facing and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.<br><b>Reason:</b> To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.   |

### 15. **W/21/1625 – 264 Valley Road, Lillington, Royal Leamington Spa**

The Committee considered an application from Mr Malle for a change of use from a single dwelling (use class C3) to a children's residential care home for up to four children.

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

The officer was of the opinion that the proposed change of use would not have an adverse impact on the amenities of adjacent properties by creating

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

unacceptable levels of noise and disturbance and was considered to comply with Local Plan policy BE3.

An addendum circulated at the meeting advised that Warwickshire County Council (WCC) People Directorate had objected to the proposed change of use and stated the grounds for the objection which related to the requirements of the children's home to become a WCC provider for children's care which would need a separate and specific type of application, along with registration with Ofsted. This was covered by separate legislation but was not considered material to the consideration of the planning application for the change of use. Planning permission and the relevant approvals from WCC would be required before any use could commence.

The addendum addressed further public comments that had been made objecting to the proposals, with the comments made by the Planning case officer in response to these.

The case officer had also been made aware that the site was currently in use as a C4 House in Multiple Occupation (HMO). The property did not benefit from planning permission for the existing C4 use and in the absence of a Lawful Development Certificate to demonstrate that the existing use was lawful, officers were satisfied that the description of the development was correct. Moreover, the officer's assessment and recommendation would remain the same in the event that the lawful use of the property was a C4 HMO.

The following people addressed the Committee:

- Councillor Stevens, Royal Leamington Spa Town Council, objecting; and
- Councillor Russell, District Councillor, objecting.

Environmental Health had recommended that should planning consent be granted, a management plan would be required. Officers explained to the Committee that this could be conditioned but the Committee could determine that in its judgement a management plan was required before consent was granted.

Members raised concerns about noise nuisance and disturbance, and how this would affect neighbouring properties, especially with no evidence that staff would be on-site 24/7 (evidenced by the lack of bedroom space for staff in the plans), the lack of a management plan, and no discussions with the County Council. Members were concerned about the lack of evidence to suggest that management would address these amenity issues to reduce their impact.

A motion to refuse permission proposed by Councillor Gifford and seconded by Councillor Morris was later withdrawn by the Councillors so that the reasons for refusal could be strengthened with greater emphasis on amenity issues under Policy BE3. The amenity issues would affect both the future residents of the property and neighbouring properties.

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

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

proposed by Councillor Morris and seconded by Councillor Gifford that the application should be refused contrary to the recommendation in the report.

The Committee therefore

**Resolved** that W/21/1625 be **refused** for the following reasons:

- | <b>No.</b> | <b>Refusal Reasons</b>  |
|------------|---|
| (1)        | a lack of amenity, contrary to Policy BE3, which would affect future residents of the property; |
| (2)        | the impact on the amenity of neighbouring properties, contrary to Policy BE3; and               |
| (3)        | a lack of a management plan prior to planning consent being granted.                            |

### 16. **W/22/0313 – 68 Braemar Road, Lillington, Royal Leamington Spa**

The Committee considered an application from Mr Singh for a change of use from dwelling house (use Class C3) to a small House in Multiple Occupation (use Class C4) comprising of a maximum of four no. bedrooms.

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

The officer was of the opinion that the proposed change of use was considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area. There would be no increased demand for parking as a result of the change of use provided that the recommended condition to restrict occupancy to four bedrooms and four individuals at a maximum was adhered to. It was therefore recommended that the proposed change of use should be approved.

An addendum circulated at the meeting advised that a further objection had been received on the grounds that the proposal would result in further demand for on-street parking because two parking spaces for a four-bed HMO was insufficient.

The following people addressed the Committee:

- Councillor Stevens, Royal Leamington Spa Town Council, objecting; and
- Councillor Russell, District Councillor, objecting.

Members felt that a dropped kerb was required to avoid damage to the grass verge if parking was going to be provided for two cars and the Business Manager confirmed that a dropped kerb would be necessary to comply with the parking condition. The Business Manager suggested that this constraint could be clarified with an informative note. A licence from

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

the Highways Department at the County Council would be necessary for alteration to the kerb.

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

The Committee therefore

**Resolved** that W/22/0313 be **granted** subject to:

- (1) an informative note that an application to the Highways Authority for an extension of the dropped kerb was required to allow access for two parking spaces on the property; and
- (2) 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. <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) 2022/68/02 REV A and 2022/68/03 REV A, and specification contained therein, submitted on 31st May 2022. <b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies TR3 and BE3 of the Warwick District Local Plan 2011-2029;
(3)	the use of the dwellinghouse as a C4 HMO hereby permitted shall be not commence unless and until the car parking provision has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling in strict accordance with the approved drawings. Thereafter those spaces shall be retained for parking purposes at all times and the front wall may not be extended in width in any way. <b>Reason:</b> 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; and

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
(4)	the number of bedrooms occupied in the C4 HMO hereby permitted shall not exceed four and the number of individuals residing in the property shall not exceed four. <b>Reason:</b> To ensure the satisfactory provision of off-street parking in accordance with the local planning authority's standards and in the interests of highway safety in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.

### 17. **W/22/0579 – 47 Beverley Road, Royal Leamington Spa**

The Committee considered an application from Mr and Mrs Barrett for the erection of a two-storey front, side and single-storey side and rear extensions and rendering to the front and rear of the main gable. This was a resubmission of application reference W/21/1913.

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

The officer was of the opinion that the proposals did not result in an unacceptable impact on the street scene, amenity of neighbouring occupiers including their parking choices, nor did they unacceptably impact protected species. The amended proposals therefore complied with Local Plan Policies BE1, BE3, TR3 and NE2 and the Council's adopted parking standards and Residential Design Guide. It was therefore recommended that planning permission should be granted.

The following people addressed the Committee:

- Mr Threadgold, objector; and
- Councillor B Gifford, District Councillor, objecting.

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

The Committee therefore

**Resolved** that W/22/0579 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. <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

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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|            | approved drawings 2203-01D, 2203-02C, and specification contained therein, submitted on 04/04/2022. <b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;   |
| (3)        | no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.<br><b>Reason:</b> To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; and   |
| (4)        | prior to the occupation of the development hereby permitted, the first floor windows in the north-east facing 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 windows shall be retained and maintained in that condition at all times.<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. |

(The meeting was adjourned at 7.50pm for 10 minutes.)

### 18. **W/21/2125 – 192 Cromwell Lane, Burton Green**

The Committee considered a retrospective application from Mr Ward for the erection of a rear roof dormer and the conversion of roof space, part single storey rear extension and a two-storey side extension. These proposals represented a revised version of a previously approved scheme W/19/0504 with alterations including the installation of one rooflight to the front elevation at the first floor and an increase in gable height to the rear.

The application was presented to Committee because it was recommended for refusal, but Burton Green Parish Council supported the application and there had been more than five comments in support received.



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

The officer was of the opinion that the erection of a rear box dormer constituted poor quality design by virtue of being inappropriate in scale, dominating the rear elevation and was contrary to the Council's Residential Design Guide. The addition to the roof was considered to be out of keeping with the existing dwelling and also the architectural character of the local area. The proposal did not address the concerns of the County Ecologist in regard to the erection of two bat boxes within the application site. The development was therefore contrary to Local Plan Policy BE1 and NE2 and it was therefore recommended that the application should be refused.

Mr Darcy, agent for the applicant, addressed the Committee.

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

The Committee therefore

**Resolved** that W/21/2125 be **refused** for the following reasons:

- | <b>No.</b> | <b>Refusal Reasons</b>   |
|------------|--|
| (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 design. The Council has also adopted The Residential Design Guide as a Supplementary Planning Document (SPD). |

In the opinion of the Local Planning Authority, the alterations to the approved scheme: W/19/0504 at 192 Cromwell Lane constitutes poor design, failing to respect the scale, design and character of the original property. The rear dormer structure lies wholly contrary to the provisions of the Residential Design Guide. The design, mass and bulk of this structure forms an incongruous design feature of poor design.

The proposal is therefore contrary to Policy BE1 and the NPPF which promotes good design; and

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|-----|--|
| (2) | 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 |
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## PLANNING COMMITTEE MINUTES (Continued)

### **No.**

### **Refusal Reasons**

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. It has been advised by the County Ecologist that two suitably placed bat boxes are erected within the application site, to increase opportunities for these protected species. However, there is an absence of such features on the proposed drawings.

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.

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

The Committee considered an application from Mrs Cusdin for the demolition of the existing garage and erection of one three-bedroom dwelling house with associated works.

The application was presented to Committee because an objection had been received from Leek Wootton & Guys Cliffe Parish Council.

The officer was of the opinion that the proposals complied with relevant policies. The site was situated within the Growth Village of Leek Wootton as defined by the Warwick District Local Plan Proposal Maps. Warwick Local Plan Policy H1 stated that new housing in rural areas would only be permitted in Growth and Limited Infill Villages. The site had not been identified within Policy H10 (Allocated Sites in Growth Village) of the Local Plan and would therefore be considered as a windfall site as defined by Paragraph 69 of the NPPF and Policy DS7 (Meeting of the Housing Requirement) of Warwick District Council Local Plan. Consequently, the windfall site lay within the Growth Village envelope of Leek Wootton and the principle of residential development in this location was considered acceptable in principle.

Mr Watson addressed the Committee in objection to the application.

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

In response to a question from a Councillor on whether a future resident living in the new dwelling might complain about noise coming from the village hall, the Business Manager accepted that the possibility of a future statutory nuisance issue might be something that should be factored in now when considering the application, but the information was not available currently. Members considered that Environmental Health advice was required to form a decision.

Following consideration of the report, presentation, and the representation made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Quinney that the application should be deferred.

The Committee therefore

**Resolved** that W/21/1493 be **deferred** until further advice and consultation has been sought from Environmental Health on noise nuisance.

### **20. W/19/0531 – Milverton House, Court Street, Royal Leamington Spa**

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

The application was presented to Committee at the request of the Chairman to include the provision of an additional condition to preclude the occupation of the proposed buildings by students.

The Committee had previously resolved to grant planning permission subject to revised Section 106 contributions following a financial viability assessment at the meeting held on 4 May 2022. A condition was previously included to prevent the use of the building for any House in Multiple Occupation use.

Following the meeting, it was considered that the proposed condition would not preclude the individual studios being used as individual, self-contained student accommodation units. Following a discussion with Legal Services, an additional condition was now proposed with the wording as follows:

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

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

The officer was of the opinion that the Committee should resolve to add the proposed condition, to its previous resolution to grant planning permission.

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

The Committee therefore

## PLANNING COMMITTEE MINUTES (Continued)

**Resolved** that W/19/0531 be **granted** subject to:

- (1) a Section 106 Agreement to secure the revised financial contributions and obligations.

Should a satisfactory Section 106 Agreement not have been completed within four months of 21 June 2022, 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; and

- (2) the following conditions:

<b>No.</b>	<b>Condition</b>
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(1)	<b>Reserved Matters</b>
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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)	<b>Submission of Reserved Matters Timescale</b>
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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)	<b>Commencement of Development</b>
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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.

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | <b>Reason:</b> To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);   |
| (4)        | <b>Approved Plans</b><br><br>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.<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;  |
| (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.<br><br><b>Reason:</b> 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)        | <b>Pre-Commencement Condition:<br/>Ecological and Landscaping Scheme</b><br><br>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.<br><br><b>Reason:</b> To protect and enhance the ecological quality of the site in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029; |
| (7)        | <b>Pre-Commencement Condition:<br/>Submission of drainage details</b>  |

## PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p data-bbox="794 181 1479 360">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;</p> <ul data-bbox="842 398 1442 1142" style="list-style-type: none"><li data-bbox="842 398 1401 506">• Provide hydraulic modelling calculations should confirm the proposed impermeable area used.</li><li data-bbox="842 506 1442 719">• 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.</li><li data-bbox="842 719 1442 1032">• 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.</li><li data-bbox="842 1032 1442 1142">• Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.</li></ul>

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) **Pre-Commencement Condition:  
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)

**No.**  
(9) **Pre-Commencement Condition:**

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) **Pre-Commencement Condition:**

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

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;   |
| (11)       | <b>Pre-Commencement Condition:<br/>Low Emission Strategy</b><br><br>no phase of the development shall commence unless and until a Low Emission Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.<br><br><b>Reason:</b> 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)       | <b>Pre-Commencement Condition:<br/>Details of External Lighting</b><br><br>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.<br><br><b>Reason:</b> 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)       | <b>Pre-Commencement Condition:</b><br><br>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  |



## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
	<p>programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;</p> <ul style="list-style-type: none"><li>a) how the development will reduce carbon emissions and utilise renewable energy;</li><li>b) measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;</li><li>c) 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; and</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></ul>

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

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

### (14) **Samples of Materials**

no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

## PLANNING COMMITTEE MINUTES (Continued)

**No.**

**Condition**

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

(15) **Site Levels/Finished Floor Levels**

no development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with adjacent phases have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

**Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

(16) **Landscape Replacement Planting**

any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, within the first planting season following the first occupation of the development. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | <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;   |
| (17)       | <b>Water Efficiency</b><br><br>notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with the any relevant manufacturer's specifications.<br><br><b>Reason:</b> To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District Local Plan 2011-2029; |
| (18)       | the development hereby permitted shall be used solely for purposes falling within the C3 Use Class only and shall not be used at any time for purposes falling within the C4 Use Class (Small Houses in Multiple Occupation) or for use as Purpose Built Student Accommodation.<br><br><b>Reason:</b> To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029;  |
| (19)       | no unit hereby permitted shall be occupied solely by persons enrolled in a full time course of further or higher education.<br><br><b>Reason:</b> To ensure a satisfactory form of development and to ensure compliance with Warwick District Local Plan (2011-2029) Policy H6 (Houses in Multiple Occupation and Student Accommodation); and   |

## PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(20)	<p>no development above slab level shall commence until a Construction Statement demonstrating how the design of the buildings will achieve Building For Life Standards and how this standards will be implemented within the construction of the building.</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>

### 21. **W/22/0432 – 27 Eastfield Road, Royal Leamington Spa**

The Committee considered an application from Mr and Mrs Darling for the variation of condition 8 (obscure glazing) of planning permission reference W/20/2126, which was for the demolition of the existing dwellinghouse and erection of a replacement dwelling, to permit the replacement of obscure glass with clear glass for a window in the first-floor south elevation which served the landing.

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

The officer was of the opinion that the relative distances satisfied / exceeded the minimum distances stipulated in the SPD. This separation distance, alongside other material considerations, was considered acceptable to prevent any unacceptable loss of privacy at neighbouring properties and it was therefore considered unnecessary to require the window in question to be obscure glazed.

Based on the above, it was recommended that the application to remove reference to the landing window from the obscure glazing condition should be approved.

An addendum circulated at the meeting gave details of further comments received from a neighbouring resident in Newbold Terrace East, who objected on grounds that due to the size of the apartments at No.39, the rear first floor room was in effect dual purpose as both habitable and sleeping accommodation - i.e. the room was purposed during day time for one use and at night a bedroom, which would make separation rule 27m for windows not the 22m stated.

The comment also stated that the previous dwelling at the site had been designed to avoid overlooking with the side facing window being opaque glazed.

In the officer's view, the window served a bedroom and therefore in accordance with the adopted Distance Separation Standards, a 22m separation distance was required and was met.

## PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

**Resolved** that W/22/0432 be **granted** subject to the following conditions:

- | <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) 235-090 Rev B, 235-091 Rev A, 235-092 Rev A, 235-095 Rev A, 235-096 Rev A, 235-097, 235-098 and 235-099, and specification contained therein, submitted on 21 December 2020; unnumbered documents and plans titled 'Entrance Door Image', 'Facing materials 1', 'Facing materials 2', 'Facing materials 3', 'Fixed window', 'Frameless roof window', 'Natural zinc weathering', 'SiooX cedar weathering' and 'Wildflower Blanket System', received on 26/11/2021; document titled 'Sky Garden Wildflower Blanket Data Sheet SGWB01', submitted on 16 February 2022; documents and plans titled 'Typical drawing cortizo single door', '20mm 2 TRACK - Logikal - Section', '20mm Virtually', 'Frameless - 3 panel on a triple track O2551-01', 'External Door Thresholds 235/615', 'Window Cills 235/616', 'Eaves Details 235/620', 'Eaves Details 235/630', 'Parapet Details 235/635', 'Automated Main Entrance/Vehicle Gate 235/697', 'Main Entrance Door D10 235/698', 'Cortizo Fixed Window Detail' and 'Cortizo window typical CAD', received on 26 November 2021; and unnumbered plan, titled 'Block Plan', submitted on 11 May 2022.</p> <p><b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 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;</p> |
| (2)        | <p>the development hereby permitted shall only proceed in strict accordance with the approved document titled 'CMP (Construction Management Plan) Version 3 2021.09.05', received on 05/09/2021. <b>Reason:</b> In the interests of highway safety and the amenities of the occupiers of nearby properties, the free</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | 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;  |
| (3)        | <p>prior to the first occupation of the development hereby permitted, details of at least one appropriate replacement tree species for each tree removed as a result of the development shall be submitted to and approved in writing by the Local Planning Authority to mitigate for the loss of the trees to be removed as part of the development and the location shall be identified on a layout plan.</p> <p>Thereafter, the tree shall be planted within the first planting season following the first occupation of the dwelling. Should the tree fail within the first five years after planting, they shall be replaced with an equivalent species.</p> <p><b>Reason:</b> To protect and enhance the amenity of the area and in the interests of Biodiversity;</p>   |
| (4)        | <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. The dwelling 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. <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; and</p> |
| (5)        | <p>Prior to the occupation of the development hereby permitted, the bedroom window located on the south 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</p>  |

**PLANNING COMMITTEE MINUTES (Continued)**

**No.**

**Condition**

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 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.

(The meeting ended at 8.59pm)

CHAIRMAN  
17 August 2022