

Planning Committee

Minutes of the meeting held on Tuesday 29 March 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Jacques, Kennedy, Kohler, Leigh-Hunt, Margrave, Morris, Quinney, Tangri and Tracey.

Also Present: Committee Services Officer – Sophie Vale; Legal Advisor – Caroline Gutteridge; Business Manager – Development Management - Rob Young; and Principal Planning Officer – Lucy Hammond.

161. **Apologies and Substitutes**

- (a) Apologies were received from Councillor Ashford.
- (b) Councillor Kohler substituted for Councillor Dickson, and Councillor Margrave substituted for the Whitnash Residents Association vacancy.

162. **Declarations of Interest**

There were no declarations of interest made.

163. **Site Visits**

To assist with decision making, Councillors Boad, Jacques, Kennedy, Morris, and Quinney made independent visits to the W/22/0225 – Westbury Court, 50 Coten End, Warwick.

164. **Minutes**

The minutes of the meetings held on 1 March 2022 and 2 March 2022 were taken as read and signed by the Chairman as a correct record.

165. **W/21/2192 – Land at Leafields, Warwick**

The Committee considered an application from Merlin Attractions Operations Ltd for the proposed relocation of car park at Leafields, comprising reinforced grass, with landscaping and associated works.

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

The officer was of the opinion that the proposed development was acceptable in principle in accordance with Policy CT6 of the Local Plan as well as the relevant heritage policies, both nationally and locally. The relocation of the car park was not considered to harm the significance of the relevant heritage assets; the impact was considered neutral with the heritage enhancements that were identified.

There would be no detriment to residential amenity, highway safety, ecology or drainage and overall, for these reasons, it was recommended

PLANNING COMMITTEE MINUTES (Continued)

that planning permission should be approved, subject to the conditions listed below as well as the completion of a Unilateral Undertaking which would require the cessation of the use of the existing overflow car park and its restoration back to pastureland, including the planting of parkland trees.

The following people addressed the Committee:

- Dr Hodgetts, Conservation Advisory Forum, objecting;
- Dr Hyland, objecting;
- Mr Murphy, objecting;
- Mr Bennett, objecting; and
- Mr Blofeld, supporting.

An addendum circulated at the meeting advised of an updated Landscape and Ecological Management Plan (LEMP) received in response to final comments from WCC Ecology requesting additional details in relation to fencing around the woodland. The final response from WCC Ecology stated the following:

"Content with the revised LEMP to include details of fencing and protection around woodland; recommended condition in this regard can be altered to a compliance condition rather than a pre-commencement condition.

The addendum also advised of an update to condition 4 (p.14) changing the requirement for a further LEMP prior to the commencement of development to a compliance condition requiring the development to be undertaken in accordance with the updated LEMP, to read:

"The development hereby permitted shall be carried out strictly in accordance with the detailed Landscape and Ecological Management Plan (PE0266/HS dated March 2022, Harris Lamb). The approved measures within the LEMP shall thereafter be implemented in full."

The addendum also shared the response received from Warwick Town Council, which was that they neither supported nor objected to the proposals.

The addendum stated that, in light of amendments being made through the course of the application in response to comments from statutory consultees the following corrections to the report were necessary (where the information in the report was based on the original submission):-

- p.1 – under 'Details of Development' the relocated car park would accommodate up to 1,200 cars which is due to the increase in the width of buffers and parkland tree planting shown on revised plans;
- p.5 – comments from WCC Landscape have now been fully addressed in view of the proposed parkland tree planting to the east of the site; and
- p.10 – in the final paragraph, the site area of the proposed car park is 2.86ha which corresponds with the maximum parking capacity in view of the increased buffers.

PLANNING COMMITTEE MINUTES (Continued)

It was also worth noting that parking capacity figures were an approximate maximum; the car park was expected to operate in the same way as existing which was one of fluctuating capacity linked to seasonal use.

In response to questions from Members, the Principal Planning Officer explained that there would be temporary mobile lighting powered by a generator needed in the winter months. This had been assessed and found that it would have minimal impact on neighbouring dwellings. Despite the lighting not being a permanent feature, condition 6 had been added to mitigate potential noise nuisance. She also stated that reassurance had been provided by an Environmental Health Officer, who said the noise from the generators would not exceed the six-decibel limit. The Business Manager stressed that as the revised Noise Impact Assessment did not have any objections, then adding anything else to the condition limiting noise would go beyond "what was necessary". However, the Principal Planning Officer suggested adding an advisory note in pursuit of condition 6, guiding the applicant to use preferable/more sustainable types of generators.

The Principal Planning Officer confirmed that the full biodiversity net gain achieved through revisions to the landscape and environmental management plan would not be revealed until five years after planting takes place. The overall net gain was reduced from 22% to around 20% due to complications regarding the historical aspect of the landscape, but condition 4 was updated to reflect this, something which was accepted by consultees. The Business Manager added to this, stating that the Council was reliant on the applicant sticking to the conditions imposed, but that in a high-profile case such as this, they would expect to be informed by an interested party if the applicant was not adhering to the five-year commitment to increased biodiversity. In response to a question from Councillor Kohler, the Principal Planning Officer stated that any mention of badgers had to remain confidential, but two assessments had been carried out and the County Ecologist was happy with the measures taken to ensure that badgers were being looked after.

Responding to Councillor Morris' question about time constraints on getting the original car park back to its natural habitat, the Business Manager stated that landscaping conditions were usually carried out within the first planting season. The Principal Planning Officer reassured Members that a legal agreement would set out these times, thus ensuring that the use of the old car park ceases before the use of the new one begins. It was supported by the Council's Solicitor that a condition about timings be included within the s106 agreement.

Members were concerned that this application was in essence a "car park by stealth" as there were no restrictions on the amount of time the overflow car park could be used for. The Principal Planning Officer stated that there were no records of a planning application for the existing overflow car park, meaning that a condition restricting the use of this car park would not be reasonable. The Business Manager confirmed this, saying that the existing car park was currently unrestricted in planning terms, and there was no limit on how many days of the year it could be used. To impose any restrictions on use, harm would have to be demonstrated. The Council's Solicitor agreed, saying that as the existing overflow car park had

PLANNING COMMITTEE MINUTES (Continued)

no conditions or existing harm to the surrounding area, a condition could not be imposed for the relocated one.

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

The Committee therefore

Resolved that in respect of W/21/2192

- (1) it be **granted**, subject to
 - (a) the completion of a Unilateral Undertaking;
 - (b) the Section 106 Agreement including requirement for the use of the existing car park to cease, the gravel hardstanding to be removed, and landscaping to the buffer zones; and
 - (c) the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall begin no later than three years from the date of this permission. |

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

- | | |
|-----|---|
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 353/21 20, and specification contained therein, submitted on 06 December 2021, and approved drawings 353/21 25 Rev.A, 353/21 32 Rev.A and 353/21 34 Rev.A and specification contained therein, submitted on 01 March 2022 and approved drawings 353/21 23 Rev.B and 353/21 26 Rev.B, and specification contained therein, submitted on 16 March 2022. |
|-----|---|

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

- | | |
|-----|--|
| (3) | the development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental |
|-----|--|

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species including badgers, bats and breeding birds and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.</p> <p>Reason: To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;</p> |
| (4) | <p>the development hereby permitted shall be carried out strictly in accordance with the detailed Landscape and Ecological Management Plan (PE0266/HS dated March 2022, Harris Lamb). The approved measures within the LEMP shall thereafter be implemented in full.</p> <p>Reason: To ensure protection of species and no net loss in accordance with ODPM Circular 2005/06 and the NPPF;</p> |
| (5) | <p>any hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted. Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. 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 the same 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</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | 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; |
| (6) | noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, or continuous tone (whine, screech, hiss, hum etc), or if there are discrete impulses (bangs, clicks, clatters, thumps etc.), or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

Reason: To ensure that the level of noise emanating from any plant or equipment is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and |
| (7) | the development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) by Simpson tws dated 02/12/2021. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

Reason: To prevent the increased risk of flooding in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029. |
| (2) | that subject to the wording being agreed in liaison with the Chairman, a note be added asking the applicant to consider a more sustainable type of generator. |

166. **W/21/0763 – Zetland Arms, 11 Church Street, Warwick**

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Punch Partnerships (PML) Ltd for the change of use from Public House (Sui Generis) to 1no. dwelling house (Use Class C3).

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

Considering the submitted business justification and the outlined restoration works, officers acknowledged that the scheme to convert the property to residential use would effectively secure the optimum viable use and future of the Listed Building as a functional space, as opposed to the existing operation. While the proposed development would significantly change the internal character of the building, no harm to the core historic form or layout of the building had been identified. In addition, the works generally sought to preserve remaining elements of historic fabric and were thus considered to avoid harm to the special historic and architectural character of the site.

In addition, noting that no notable external works were proposed, the development was considered to result in no material harm to the wider Conservation Area and setting of the other nearby listed buildings.

Subject to conditions, the proposal would comply with Policy BE3 of the Local Plan.

In view of this assessment, the proposed scheme was considered to appropriately accord with Local Plan Policy TR3.

The officer was of the opinion therefore, that planning permission should be granted subject to conditions.

The following people addressed the Committee:

- Mr John Beaumont, objecting; and
- Mr Jeremy Heppell, supporting.

An addendum circulated at the meeting advised that one further public representation was received, raising an objection to the scheme and citing the social and communal benefits the public house operation brought to Warwick.

In response to questions from Members, the Business Manager clarified that Members were only being asked to approve the change of use of the building, and that all requirements for the change of use that were material to consideration had been satisfied. He also reassured Members that this would not be used as anything other than a Class C3 dwelling, and if an owner wished to make changes that fell outside of permitted development, then planning permission would have to be re-applied for.

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 Kennedy that the application should be granted.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/21/0763 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | <p>the development hereby permitted shall begin no later than three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p> |
| (2) | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan '20.92_00.00 A' submitted on 21st April 2021, approved drawings '20.92_10.06 A' submitted on 5th November 2021, '20.92_10.02 C', '20.92_10.03 D' submitted on 9th February 2022, and specification contained therein.</p> <p>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;</p> |
| (3) | <p>the development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been completed in consultation with a suitably qualified bat worker and submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.</p> <p>Reason: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;</p> |
| (4) | <p>no development shall commence until an Ecological Enhancement Scheme has been submitted and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details of biodiversity enhancement features including bat and bird boxes including at least two swift nest boxes to be installed on the building.</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>The works and ecological enhancement scheme shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: In accordance with NPPF, ODPM Circular 2005/06 and Policy NE2 of the Warwick District Local Plan 2011-2029;</p> |
| (5) | <p>the development hereby permitted shall not commence until details of all external light fittings and external light columns 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 in the roost location, along the site boundaries; and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:</p> <ul style="list-style-type: none">• Lighting should be directed away from vegetated areas and the roost;• Lighting should be shielded to avoid spillage onto vegetated area;• The brightness of lights should be as low as legally possible;• Lighting should be timed to provide some dark periods; and• Connections to areas important for foraging should contain unlit stretches. <p>Reason: In accordance with NPPF, ODPM Circular 2005/06 and Policy NE2 of the Warwick District Local Plan 2011-2029;</p> |
| (6) | <p>the development hereby permitted shall not be occupied unless and until additional details of sound proofing that demonstrates an appropriate sound reduction performance in accordance with the submitted Noise Assessment Report prepared by Airtight & Noisecheck Limited (Ref. 18792, dated 7th October 2021) have been submitted to and approved in writing by the Local Planning Authority, and the sound proofing measures have been completed in full accordance with the approved details.</p> <p>Reason: To ensure that future occupants do not experience unacceptable levels of noise,</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and
(7)	the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. 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.

167. W/22/0225 – Westbury Court, 50 Coten End, Warwick

The Committee considered an application from Orty Design for the replacement of existing windows and doors.

The application was presented to Committee because more than 5 letters of support were received and the application was recommended for refusal.

The officer was of the opinion that the proposals would result in unacceptable harm to the Conservation Area and the setting of the locally listed park and were contrary to Local Plan Policies HE1, HE3 and the Council's 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Document. It was therefore recommended that planning permission be refused.

The following people addressed the Committee:

- Ms Coralie Clark, supporting.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Morris that the application should be granted, subject to suitable conditions being agreed between planning officers and the Chairman of the Committee. Councillor Morris stated that he didn't understand why this application was recommended for refusal, as he could not tell the difference aesthetically between timber frames and uPVC frames. This was seconded by Councillor Tracey, who noted that the only material difference between the frames would be the thickness of the bars between the panes of glass. In his

PLANNING COMMITTEE MINUTES (Continued)

opinion, uPVC would allow for a larger window and therefore better regulate the temperate inside the homes.

The Business Manager responded to this point, saying that if the decision was to grant, then it would have to be on very clear reasons. Drawing on Councillor Jacques point, the Council's Solicitor stated that if Members did not see any harm in uPVC windows, then there wasn't a need to look at the benefits to the public. She stated that harm was hard to quantify without expertise on windows and energy efficiency.

The Committee therefore

Resolved that W/22/0225 be **granted** contrary to the recommendation in the report, subject to conditions to be agreed by the Chair of the Planning Committee in consultation with officers.

168. W/21/1313 – Baginton School Site, Church Road, Baginton

The Committee considered an application from D.F.J Hewer Ltd for the erection of two new dwellings incorporating associated landscaping and the proposal of a new peace garden.

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

The officer was of the opinion that the principle of development was acceptable having regard to the provisions of Policies H1 (provision of new housing) and DS18 (Green Belt) of the Local Plan, as well as paragraph 149 of the NPPF.

The plans for both dwellings were revised a number of times throughout the course of the application to respond positively to the concerns raised from both heritage and landscaping points of view. The proposals were now considered acceptable in both of these regards and conditions could be imposed on any forthcoming permission to secure the final details with respect to materials and planting species.

The dwellings would provide appropriate standards of amenity for future occupiers and would not compromise the existing amenity of neighbouring properties. Parking on site for each dwelling accords with the adopted SPD and the proposals were also considered to comply with the Local Plan policies in respect of ecological matters and planning for climate change adaptation.

For these reasons, it was recommended that planning permission be granted to the conditions set out in the report.

An addendum circulated at the meeting detailed the addition of the following pre-commencement condition: to

“Notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance, preparation works or demolition works, a Sustainability Statement including a

PLANNING COMMITTEE MINUTES (Continued)

programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- How the development will reduce carbon emissions and utilise renewable energy;
- 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;
- Details of the building envelope (including U/R values and air tightness);
- How the proposed materials respond in terms of embodied carbon;
- How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading;
- No dwelling 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)."

In response to questions from Members, the Principal Planning Officer stated that while this was not technically a planning matter, the applicants had confirmed that the occupiers of House B in the presentation would maintain the garden. This would be written into the deeds of the house so that every future owner would also have the responsibility.

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

The Committee therefore

Resolved that W/21/1313 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (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 |
|-----|---|

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | details shown on the site location plan and approved drawing LP-2020-000 and specification contained therein, submitted on 09 July 2021, approved drawing 20541-21 Rev.A and specification contained therein, submitted on 23 November 2021, approved drawing 20541-22 Rev.B and specification contained therein, submitted on 24 December 2021, approved drawing 20541-24 and specification contained therein, submitted on 08 February 2022 and approved drawings 20541-20 Rev.D and 20541-23 Rev.E and specification contained therein, submitted on 01 March 2022. |
| | Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (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. |
| | 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; |
| (4) | <ol style="list-style-type: none">1. No development shall take place until<ol style="list-style-type: none">a) A desk-top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.b) 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 |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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
- Refinement of the conceptual model.
- The development of a method statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

d) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site then no further

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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.

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

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

- (5) the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.</p> <p>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;</p> |
| (6) | <p>no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.</p> <p>Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;</p> |
| (7) | <p>no part of the development hereby permitted, including site clearance, shall commence until a combined ecological and landscaping scheme has been submitted to and approved in writing by the Local Planning Authority (in consultation with WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | planting, installation of bird and bat boxes and any other biodiversity enhancements such as log piles and wild flower area. The agreed scheme to be fully implemented before/during development of the site as appropriate.

Reason: In accordance with NPPF, ODPM Circular 2005/06; |
| (8) | no part of the development hereby permitted, including ground clearance works, shall commence until a protected species method statement for nesting birds, amphibians and reptiles and hedgehog (to include timing of works, supervision of vegetation clearance/excavations and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development; |
| (9) | no development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details.

Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (10) | the development shall not be occupied until visibility splays have been provided to the vehicular accesses to the site with an 'x' distance of 2.4 metres and 'y' distances to the near edge of the public highway carriageway of no less than 20 metres, in general accordance with Drawing Number 2054-21, Rev A. |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (11) | the development hereby permitted shall not be occupied unless and until the accesses for vehicles, parking for 5 vehicles and a turning area for "House A" have been provided at the site in general accordance with Drawing Number 2054-21, Rev A. Thereafter those areas shall be kept marked out and available for such use at all times.

Reason: In the interests of highway safety and to ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3, TR1 and TR3 of the Warwick District Local Plan 2011-2029; |
| (12) | the accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound material for their entirety as measured from the near edge of the public highway carriageway.

Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (13) | prior to the occupation of the dwellings hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;</p> |
| (14) | <p>the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces).</p> <p>Reason: To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;</p> |
| (15) | <p>prior to the occupation of the development hereby permitted, the two first floor windows in the east facing side elevation of House A, together with the two first floor windows in the west facing side elevation and the first floor window in the east facing side elevation of House B shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times.</p> <p>Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (16) | <p>the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.</p> <p>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; and</p> |
| (17) | <p>notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance, preparation works or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;</p> <ul style="list-style-type: none">a) How the development will reduce carbon emissions and utilise renewable energy;b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;c) Details of the building envelope (including U/R values and air tightness);d) How the proposed materials respond in terms of embodied carbon;e) How the development optimises the use of multi-functional green infrastructure (including water |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading.

No 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.

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).

169. **TPO 571 – Nelson Club Car Park, Charles Street, Warwick**

The Committee considered an application to confirm a provisional tree preservation order (TPO) relating to two London Plane trees because objections had been made about it being confirmed.

On 8 November 2021 the Local Planning Authority (LPA) received a notification to fell the two mature London Plane trees (ref: W/21/2052/TCA). The notification stated that the trees were large and causing a lot of shade over the tarmac car park. The notification also referred to the removal of the trees as a preventative measure to avoid damage to the tarmac, that had not yet occurred.

In the absence of sound and justified reasons for the removal of the trees, Officers proceeded to protect the trees considered to be of amenity value by the serving of this Order.

The two London Plane trees were attractive specimens of good vigour and of reasonable overall form and structure. T1 had a stem diameter of 600mm, and T2 was slightly larger at 800mm diameter. The radial crown spread of both was up to 8m, T1 stood at approximately 15m tall, and T2 was slightly taller at circa 16m tall.

The trees' prominent public location meant that they were both readily visible as a feature in the landscape from a wide range of public viewpoints, and so they provided both an individual and collective contribution toward the local amenity. The trees appeared to be in good overall health with a retention span of at least 40 years.

The Council's Arboricultural Consultant had assessed the trees for their TPO quality using the nationally recognised TEMPO method of assessment, and they scored 20; the TEMPO guidance was that where the score was 16 or more the making of a TPO was merited (if there are no other mitigating circumstances).

PLANNING COMMITTEE MINUTES (Continued)

In summary the Council considered it expedient to make a provisional TPO under section 198 of the Town and Country Planning Act.

The officer considered that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the two trees make to the surrounding area and therefore it was considered expedient to confirm this TPO.

Following consideration of the report and presentation, it was proposed by Councillor Jacques and seconded by Councillor Quinney that the TPO should be confirmed.

The Committee therefore

Resolved that officers be authorised to confirm TPO 571.

(The meeting ended at 8.45pm)

CHAIRMAN
4 May 2022