

Planning Committee

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

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

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

116. Apologies and Substitutes

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

117. Declarations of Interest

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

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

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

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

118. Site Visits

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

119. Minutes

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

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

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

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

The following people addressed the Committee:

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

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

The Committee therefore

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

PLANNING COMMITTEE MINUTES (Continued)

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

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).

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;

- (3) the development (including any works of demolition) shall be carried out in strict accordance with the construction method statement submitted to and approved in writing by the local planning authority on 9 February 2023 in pursuance of planning permission W/19/0933 and the addendum construction method statement received by the Local Planning Authority on 22 November 2023.

Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029;

- (4) the development hereby permitted shall be carried out in accordance with the details of hard and soft landscaping works submitted to and approved in writing by the Local Planning Authority on 5 January 2023 in pursuance of W/19/0933.

The hard landscaping works shall be completed in full accordance with the approved details within three months of the first

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation.</p> <p>Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.</p> <p>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> |
| (5) | <p>the development hereby permitted shall not be occupied until the scheme for the provision of adequate water supplies and fire hydrants submitted to and approved in writing by the Local Planning Authority on 1 June 2023 in pursuance of W/19/0933 has been implemented to the satisfaction of the Local Planning Authority.</p> <p>Reason: In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters;</p> |
| (6) | <p>the development shall be carried out strictly in accordance with the detailed surface water drainage scheme for the site submitted to and approved in writing by the Local Planning Authority on 22 September 2022 and the scheme shall be fully implemented in accordance with the approved details before the development is completed.</p> <p>Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity in accordance with Policies FW1, FW2 and NE3 of the Warwick District Local Plan 2011-2029;</p> |

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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

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

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

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

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | so as to provide for the site access in accordance with the scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority, as shown on plan 0102-S278-100 Revision R.

Reason: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (13) | no dwelling shall be occupied until the estate roads [including footways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

Reason: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (14) | the temporary access hereby permitted shall be constructed in accordance with the details as shown on plan reference 950-S184 Ref G. The use of this access shall be limited to purposes for construction/sales and for a maximum of 40 residential occupations only. The use of the access shall cease at either the substantial completion of the primary access or within 18 months from the date of this decision, whichever is the sooner. Thereafter, the land shall be restored to its former condition within 6 months from the cessation of use of the temporary access. Any new planting shall be carried out within the first planting season following the cessation of the use of the access.

Reason: The access is only proposed for a temporary period and is not proposed to be a permanent vehicular access to serve the site; |
| (15) | the Developer shall ensure that all the measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site submitted to and approved in writing to the Local Planning Authority on 9 February 2023 in pursuance of W/19/0933 are maintained and operational for the duration of all construction works on the site. |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>Reason: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (16) | <p>the lighting scheme shall be carried out in accordance with the details submitted on plan reference 10-06 P8 received by the Local Planning Authority on 29 May 2019 in pursuance of W/19/0933.</p> <p>Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 2011-2029;</p> |
| (17) | <p>the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.</p> <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</p> |
| (18) | <p>the development hereby permitted shall be carried out strictly in accordance with the methodology set out in the Stage 1 & 2 Arboricultural Impact Assessment and Method Statement Report (Rev.9) dated August 19 and received by the Local Planning Authority on 27 August 2019 in pursuance of W/19/0933.</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> |

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

The following people addressed the Committee:

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

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

The Committee therefore

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

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

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

The following people addressed the Committee:

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

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

The Committee therefore

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

PLANNING COMMITTEE MINUTES (Continued)

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | Reason: In accordance with NPPF, ODPM Circular 2005/06; |
| (5) | <p>the development hereby permitted (including site clearance) shall not commence until a Biodiversity Management Plan (BMP) to include a detailed schedule of habitats and protected species mitigation, and biodiversity enhancement measures including habitat management and long-term monitoring, to result in a biodiversity net gain (to include location of measures, installation timescale, timing of works and species lists for proposed planting has been submitted to and approved in writing by the Local Planning Authority. Such measures should be shown on all applicable annotated site plans and elevations, such approved mitigation and enhancement measures shall thereafter be implemented in full and maintained in strict accordance with the approved details in perpetuity.</p> <p>Reason: To enhance the nature conservation value of the site and ensure biodiversity net gain in accordance with NPPF, ODPM Circular 2005/06;</p> |
| (6) | <p>the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | development hereby permitted shall only proceed in strict accordance with the approved CMP. |
| | Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029; |
| (7) | notwithstanding details contained within the approved documents, prior to commencement of development (within its relevant phase), a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include: <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. How proposals will de-carbonise major development;d. Details of the building envelope (including U/R values and air tightness);e. How the proposed materials respond in terms of embodied carbon;f. Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;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. |

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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); |
| (8) | all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building.

Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (9) | all rooflights hereby permitted shall be conservation style only (flush fitting with central vertical glazing bar) and maintained as such.

Reason: To ensure an appropriate standard of design and appearance, and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (10) | 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; |

PLANNING COMMITTEE MINUTES (Continued)

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | approved details and shall not be removed or altered in any way (unless being upgraded). |
| | Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document; |
| (13) | The development hereby permitted shall not be occupied unless and until the approved cycle parking facilities have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times. |
| | Reason: In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029; |
| (14) | prior to the occupation of the development hereby permitted, the second floor window(s)/rooflights in the north-east elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. |
| | 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; |
| (15) | all construction traffic/deliveries in association with the development hereby permitted shall access the site from Lillington Avenue; no access to the site whatsoever shall be gained off Arlington Mews. |
| | Reason: To protect the amenity of neighbouring properties in accordance with Policy BE3 of the Warwick District Local Plan; and |

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

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

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

The following people addressed the Committee:

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

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

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

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

- | No. | Conditions |
|------------|--|
| (1) | <p>the development hereby permitted shall begin not 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 and approved drawing 105-01-01A REV A, and specification contained therein, submitted on 12th December 2023.</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/use hereby permitted shall not be occupied/commence unless a full management plan has been submitted to and approved in writing by the Local Planning Authority to include details relating to:</p> <ul style="list-style-type: none">• Dwelling maintenance,• Staffing and working schedule,• Behaviour management procedure, and• Car safety and parking. <p>Reason: To ensure that future occupants do not experience unacceptable levels of noise and the running of the dwelling is acceptable so that it does cause harm to the amenity of neighbouring uses, thereby in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (4) | <p>the development/use hereby permitted shall not be occupied/commence unless and until details of sound proofing have been submitted to and approved in writing by the Local Planning Authority and the sound proofing measures have been completed in full accordance with the approved details.</p> <p>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. / To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
|------------|---|
| | disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (5) | the proposal should operate in complete accordance with the noise management plan submitted to the Local Planning Authority on 11/12/2023.

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. / To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and |
| (6) | the number of residents who reside at this dwelling, for the purposes of the approved use as a children's residential care home shall be no more than two at any time.

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. / To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029. |

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

The Committee therefore

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

145. Planning Appeals Report

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

Resolved that the report be noted.

146. Public and Press

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

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

147. Confidential Minutes

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

(The meeting ended at 9.05pm)

CHAIRMAN
13 February 2024