

Planning Committee Wednesday 17 August 2022

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Wednesday 17 August 2022, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor A Boad (Chairman)
Councillor T Morris (Vice Chairman)

Councillor R Dickson
Councillor B Gifford
Councillor O Jacques
Councillor J Kennedy
Councillor R Margrave

Councillor N Murphy
Councillor M Noone
Councillor D Norris
Councillor C Quinney
Councillor N Tangri

Emergency Procedure

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

Agenda Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee meetings held on

- (a) 21 June 2022 (Pages 1 to 23)
- (b) 22 June 2022 (Pages 1 to 23)
- (c) 19 July 2022 (Pages 1 to 37)

Part B – Planning Applications

To consider the following reports from the Head of Development Services:

- 5. **W/21/0550 – Land at Glasshouse Lane, Kenilworth** (Pages 1 to 17)
Major Application
- 6. **W/22/0178 – Waitrose Foodstore, 51 Bertie Road, Kenilworth** (Pages 1 to 10)
Major Application
- 7. **W/22/0623 – 32-34 Clarendon Street, Royal Leamington Spa** (Pages 1 to 5)

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via

the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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

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Planning Committee

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

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

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

10. Apologies and Substitutes

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

11. Declarations of Interest

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

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

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

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

12. Site Visits

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

Councillor Dickson:

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

Councillor Jacques:

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

PLANNING COMMITTEE MINUTES (Continued)

13. Minutes

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

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

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

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

The officer was of the opinion that the development proposals were considered to be in keeping with the character and appearance of the property and the surrounding Conservation Area. In addition, the proposals were not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to outlook and amenity, nor would they cause harm to TPO trees around the site or protected species. The proposals were in accordance with the aforementioned policies, and it was therefore recommended that the application should be approved.

The following people addressed the Committee:

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

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

The Committee therefore

Resolved that W/22/0338 be **granted** subject to the following conditions:

- | 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 details shown on the site location plan and approved drawing(s) 21.022-04E submitted on 22nd February 2022, 21.022-08C |

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

The following people addressed the Committee:

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

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

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

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

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

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

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

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

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

The following people addressed the Committee:

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

The Committee therefore

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

- (1) an informative note that an application to the Highways Authority for an extension of the dropped kerb was required to allow access for two parking spaces on the property; and
- (2) the following conditions:

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 details shown on the site location plan and approved drawing(s) 2022/68/02 REV A and 2022/68/03 REV A, and specification contained therein, submitted on 31st May 2022. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies TR3 and BE3 of the Warwick District Local Plan 2011-2029;
(3)	the use of the dwellinghouse as a C4 HMO hereby permitted shall be not commence unless and until the car parking provision has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling in strict accordance with the approved drawings. Thereafter those spaces shall be retained for parking purposes at all times and the front wall may not be extended in width in any way. Reason: To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the Local Planning Authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029; and

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

The following people addressed the Committee:

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

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

The Committee therefore

Resolved that W/22/0579 be **granted** subject to the following conditions:

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 details shown on the site location plan and

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | approved drawings 2203-01D, 2203-02C, and specification contained therein, submitted on 04/04/2022. 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; and |
| (4) | prior to the occupation of the development hereby permitted, the first floor windows in the north-east facing elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times.
Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029. |

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

The Committee therefore

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

- | No. | Refusal Reasons |
|------------|--|
| (1) | Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good design. The Council has also adopted The Residential Design Guide as a Supplementary Planning Document (SPD). |

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

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

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|-----|--|
| (2) | Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state |
|-----|--|

PLANNING COMMITTEE MINUTES (Continued)

No.

Refusal Reasons

that all proposals likely to impact on these assets will be subject to an ecological assessment.

Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. It has been advised by the County Ecologist that two suitably placed bat boxes are erected within the application site, to increase opportunities for these protected species. However, there is an absence of such features on the proposed drawings.

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

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

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

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

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

Mr Watson addressed the Committee in objection to the application.

PLANNING COMMITTEE MINUTES (Continued)

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

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

The Committee therefore

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

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

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

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

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

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

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

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

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

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

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

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

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

Should a satisfactory Section 106 Agreement not have been completed within four months of 21 June 2022, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement; and

- (2) the following conditions:

No.	Condition
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(1)	Reserved Matters
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details of the appearance and landscaping of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved.

Reason: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended);

(2)	Submission of Reserved Matters Timescale
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application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

(3)	Commencement of Development
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the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended); |
| (4) | Approved Plans

the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 17/53/05c, and specification contained therein, submitted on 17 June 2019.

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

Reason: For the avoidance of doubt and to define the scale and form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (6) | Pre-Commencement Condition:
Ecological and Landscaping Scheme

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

Reason: To protect and enhance the ecological quality of the site in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029; |
| (7) | Pre-Commencement Condition:
Submission of drainage details |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>no development shall commence unless and until a detailed surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The details shall include;</p> <ul style="list-style-type: none">• Provide hydraulic modelling calculations should confirm the proposed impermeable area used.• Demonstrate how the proposed discharge rates identified in the calculations were calculated. A minimum of 50% betterment on the existing brownfield rate should be provided.• If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.• Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

Thereafter, the development shall be carried out in strict accordance with the approved details.

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

(8) **Pre-Commencement Condition:
Noise Mitigation**

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

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029; |
| (11) | Pre-Commencement Condition:
Low Emission Strategy

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

Reason: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policies NE5 and TR1 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2019; |
| (12) | Pre-Commencement Condition:
Details of External Lighting

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

Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029; |
| (13) | Pre-Commencement Condition:

notwithstanding details contained within the approved documents, prior to commencement of development, a Sustainability Statement including an energy hierarchy scheme for that phase and a |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;</p> <ul style="list-style-type: none">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; andg) how the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

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

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

(14) **Samples of Materials**

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

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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

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

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

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

(16) **Landscape Replacement Planting**

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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; |
| (17) | Water Efficiency

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

Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District Local Plan 2011-2029; |
| (18) | the development hereby permitted shall be used solely for purposes falling within the C3 Use Class only and shall not be used at any time for purposes falling within the C4 Use Class (Small Houses in Multiple Occupation) or for use as Purpose Built Student Accommodation.

Reason: To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029; |
| (19) | no unit hereby permitted shall be occupied solely by persons enrolled in a full time course of further or higher education.

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

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

- | 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) 235-090 Rev B, 235-091 Rev A, 235-092 Rev A, 235-095 Rev A, 235-096 Rev A, 235-097, 235-098 and 235-099, and specification contained therein, submitted on 21 December 2020; unnumbered documents and plans titled 'Entrance Door Image', 'Facing materials 1', 'Facing materials 2', 'Facing materials 3', 'Fixed window', 'Frameless roof window', 'Natural zinc weathering', 'SiooX cedar weathering' and 'Wildflower Blanket System', received on 26/11/2021; document titled 'Sky Garden Wildflower Blanket Data Sheet SGWB01', submitted on 16 February 2022; documents and plans titled 'Typical drawing cortizo single door', '20mm 2 TRACK - Logikal - Section', '20mm Virtually', 'Frameless - 3 panel on a triple track O2551-01', 'External Door Thresholds 235/615', 'Window Cills 235/616', 'Eaves Details 235/620', 'Eaves Details 235/630', 'Parapet Details 235/635', 'Automated Main Entrance/Vehicle Gate 235/697', 'Main Entrance Door D10 235/698', 'Cortizo Fixed Window Detail' and 'Cortizo window typical CAD', received on 26 November 2021; and unnumbered plan, titled 'Block Plan', submitted on 11 May 2022.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011 – 2029;</p> |
| (2) | <p>the development hereby permitted shall only proceed in strict accordance with the approved document titled 'CMP (Construction Management Plan) Version 3 2021.09.05', received on 05/09/2021. Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window shall be retained and maintained in that condition at all times.

Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

(The meeting ended at 8.59pm)

CHAIRMAN
17 August 2022

Planning Committee

Minutes of the meeting held on Wednesday 22 June 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Civic & Committee Services Manager – Patricia Tuckwell; Legal Advisors – Aimee Shipley and Ross Chambers; Planning Officer – Rebecca Compton; Principal Planning Officer – Dan Charles; Senior Environmental Health Officer – Matthew Shirley; Ricardo representative – Dr Mark Broomfield.

22. **Apologies and Substitutes**

Apologies were received from Councillor Kennedy.

23. **Declarations of Interest**

There were no declarations of interest made.

24. **Site Visits**

Councillor Morris informed the Committee that he had cause to visit a property in Norton Lindsay, and as a result, he had a good view of the neighbouring site at application W/19/1133 – Land at Ward Hill, Warwick Road, Littleworth, Norton Lindsey.

25. **W/21/0409 LB – The Punch Bowl Hotel, 1 The Butts, Warwick**

The Chair informed the Committee that this application had been withdrawn from the agenda and therefore it would not be considered at the meeting.

26. **W/19/1133 – Land at Ward Hill, Warwick Road, Littleworth, Norton Lindsey**

The Committee considered a hybrid planning application from Mr Audhali for the erection of two replacement poultry houses for poultry rearing (pullets) and the repositioning of existing access; and an outline planning application for the erection of a farm manager's dwelling.

The application was presented to Committee because of the number of objections that had been received, including one from Norton Lindsey Parish Council.

The officer was of the opinion that the proposed development was acceptable in principle insofar as the poultry buildings were acceptable in overall terms and the provision of a new workers dwelling had been justified under Policy H12 of the Local Plan.

The provision of agricultural buildings was appropriate development within the Green Belt. Whilst a new dwelling in that location was considered

PLANNING COMMITTEE MINUTES (Continued)

inappropriate development within the Green Belt, very special circumstances were considered to have been demonstrated in that there was a functional need for a worker's dwelling to be provided on the site.

The site-specific issues could be satisfactorily addressed through the use of conditions. The impact on residential amenity in particular had been thoroughly assessed through the submission of detailed reports. These had been assessed by the Environmental Health Officer who was satisfied that the details could be secured in a management plan.

Subject to the required conditions, the development was considered to be acceptable. It was recommended therefore that the proposal should be approved.

An addendum circulated at the meeting advised that an additional 45 objection comments had been received, as well as a letter of objection from People for the Ethical Treatment of Animals (PETA).

The following people addressed the Committee:

- Councillor Stobart, Norton Lindsey Parish Councillor, objecting;
- Ms Bottomley, objecting;
- Mr Murphy, supporting; and
- Councillor Matecki, District Councillor, objecting.

A number of questions raised by Members of the Committee related to transport, traffic and other Highways matters.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Norris that the application should be the deferred. The Chairman advised Members that should the motion to defer be passed and the application brought to Committee for consideration in the future, representatives from Ricardo and Environmental Health would be invited to attend the subsequent meeting.

The Committee therefore

Resolved that W/19/1133 be **deferred** to enable further comment to be obtained from WCC Highways including the highways matters raised by the Ward Member. The Committee asked that a Highways Officer should be in attendance when the application is brought back to the Committee for consideration.

27. W/14/0967 – Land North of Gallows Hill, Warwick

The Committee considered an application from Vistry Partnerships for a Proposed Deed of Variation to the signed Section 106 Agreement for the development of up to 425 residential dwellings (Use Class C3), medical centre, community hall, formal and informal green spaces, sports and recreation provision, structural landscaping, new roads, footpaths and cycle ways, site access and ancillary works (outline application including details of access).

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because it brought forward a proposed Deed of Variation to the signed Section 106 Agreement.

The officer was of the opinion that the proposed revisions were not affected by the CIL regulations.

There would be no difference to the overall number of dwellings on the site and the existing level of contributions to be received through the Section 106 Agreement would not be affected. The changes had the agreement and full support of the Warwick District Council Housing Team, who were working with the applicants to deliver the First Homes and as such, there was no objection from officers.

The associated Legal costs in providing the Deed of Variation would be met by the applicants so there was no cost to the Local Planning Authority.

Following consideration of the report and presentation, it was proposed by Councillor Quinney and seconded by Councillor Morris that the application should be granted in accordance with the recommendation in the report.

The Committee therefore

Resolved that the proposal to allow the First Homes to be secured on the development through a Supplemental Deed/Deed of Variation to the Section 106 Agreement for W/14/0967, be **approved**.

28. **W/17/2371 & W/20/0502 – Land off Rugby Road and Coventry Road, Cubbington**

The Committee considered an application from Bellway Homes (South Midlands) Ltd for a Proposed Deed of Variation to the signed Section 106 Agreement for W/17/2371 - Development of 120 dwellings (including 48 affordable units), formation of single access point from Coventry Road and single access point from Rugby Road, highway works, landscaping, public open space and ancillary works; and W/20/0502 - Provision of 13 additional dwellings on existing application site (approved for 120 under W/17/2371) through removal of larger units and provision of additional smaller dwellings within the existing site layout.

The application was presented to Committee because it brought forward a proposed Deed of Variation to the signed Section 106 Agreement.

The officer was of the opinion that the revisions were not affected by the CIL regulations.

There would be no difference to the overall number of dwellings on the site and the existing level of contributions to be received through the Section 106 Agreement would not be affected. The changes had the agreement and full support of the Warwick District Council Housing Team which was working with the applicants to deliver the First Homes and as such, there was no objection from Officers.

PLANNING COMMITTEE MINUTES (Continued)

The associated Legal costs in providing the Deed of Variation would be met by the applicants so there was no cost to the Local Planning Authority.

Following consideration of the report and presentation, it was proposed by Councillor Quinney and seconded by Councillor Morris that the application should be approved.

The Committee therefore

Resolved that the proposal to allow the First Homes to be secured on the development through a Supplemental Deed/Deed of Variation to the Section 106 Agreement for W/17/2371 & W/20/0502, be **approved**.

29. **W/18/0606 – Land at the Triangle, Lower Heathcote Farm, Harbury Lane, Warwick**

The Committee considered an application from David Wilson Homes East Midlands for a Proposed Deed of Variation to the signed Section 106 Agreement for an outline application for up to 150 dwellings (including 40% affordable), and public open space. Access would be provided from consented Lower Heathcote Farm development, all other matters were reserved for future determination.

The application was presented to Committee because it brought forward a proposed Deed of Variation to the signed Section 106 Agreement.

The officer was of the opinion that the revisions were not affected by the CIL regulations.

There would be no difference to the overall number of dwellings on the site and the existing level of contributions to be received through the Section 106 Agreement would not be affected. The changes had the agreement and full support of the Warwick District Council Housing Team which was working with the applicants to deliver the First Homes and as such, there was no objection from Officers.

The associated Legal costs in providing the Deed of Variation would be met by the applicants so there was no cost to the Local Planning Authority.

An addendum circulated at the meeting advised of questions and answers received from Members in relation to the officer's report.

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

The Committee therefore

Resolved that the proposal to allow the First Homes to be secured on the development through a Supplemental Deed/Deed of Variation to the Section 106 Agreement for W/17/2371 & W/20/0502, be **approved**.

PLANNING COMMITTEE MINUTES (Continued)

30. **W/21//0710 – Barn 1-5, Stanks Farm, Old Budbrooke Road, Budbrooke**

The Committee considered an outline application from Mr & Mrs Glover for the conversion of rural buildings (Barns 1-5) into three residential dwellings.

The application was presented to Committee because an objection had been received from Budbrooke Parish Council.

Officers were mindful of two separate planning applications of a similar nature that had been submitted for the site in relation to Barn 6 (W/21/0708) and Barn 7 (W/21/0709). The applicant had put forward a fall-back position in terms of the approved Class Q applications, therefore officers needed to be satisfied that granting planning permission for the current application and the two other applications would not exceed the fall-back position. Class Q placed limitations on the cumulative number of dwellings that could be created for a particular site. This included the cumulative number of larger dwellings not exceeding three and the cumulative number of separate dwellings not exceeding five.

Having reviewed the current scheme and the two other applications at the site, officers were satisfied that the cumulative number of larger dwellings would not exceed three and the cumulative number of separate dwellings would not exceed five. The proposal to convert Barn 2 would not create an additional dwelling but would rather provide additional accommodation for Barn 1 which benefitted from permission for a residential conversion. It was considered necessary to condition Barn 2 to only be used as ancillary accommodation for Barn 1 to avoid this building being used as a separate dwelling in the future which would exceed the Class Q fall-back. The curtilage would be no greater than permissible under Class Q and permitted development rights would be removed by condition. Therefore, subject to condition, the grant of planning permission would not exceed the limitations of Class Q and would lead to no greater harm than the fall-back position.

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

The Committee therefore

Resolved that W/21/0710 be **granted** subject to 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);

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 21-17-12, 21-17-13A, 21-17-14, 21-17-15, 21-17-110, 21-17-112, and specification contained therein, submitted on 13th April 2021, 09th September 2021, 13th May 2022 and 20th May 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 take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority;
 - b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority; and
 - c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the district's historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;
(4)	<p>1. No development shall take place until:</p> <p>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.</p> <p>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 from the desktop 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:</p> <ul style="list-style-type: none">• 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; and• the development of a method statement detailing the remediation requirements. <p>c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.</p> <p>d) A method statement detailing the remediation requirements, including</p>

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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 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 deal 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 until:
- a) a noise assessment has been undertaken to assess the impact of noise arising from road and rail transport on the proposed development with reference to the guidance contained in BS8233:2014 and the World Health Organization's Guidelines for Community Noise (1999)
 - b) the results of the noise assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>to protect residents of the development from noise, have been submitted to and approved in writing by the local planning authority; and</p> <p>Any necessary mitigation measures shall be implemented in full accordance with the approved details and retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.</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;</p> |
| (6) | <p>the approved curtilage shall be restricted to the areas identified on the Curtilage Plan 21-17-112 received by the Local Planning Authority on 13th May 2022.</p> <p>Reason: To comply with the requirements set out in Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015;</p> |
| (7) | <p>all rooflights shall be conservation style and maintained as such.</p> <p>Reason: To ensure an appropriate standard of design and appearance, and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (8) | <p>the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been laid out in strict accordance with the approved plans and made available for use by the occupants of the development. 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>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> |
| (9) | <p>the development hereby permitted shall not be occupied unless and until the car parking</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029; |
| (10) | notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted. Reason: To ensure that the rural character and appearance of the barn is protected, in accordance with Policy BE4 of the Warwick District Local Plan 2011-2029; |
| (11) | the conversion of Barn 2 hereby permitted shall only be occupied for purposes ancillary to the residential use of the dwelling known as Barn 1 and shall only be occupied by members of the family occupying Barn 1 and shall not at any time be used as a separate dwelling.

Reason: To avoid the creation of isolated dwellings in the open countryside in accordance with policies H1 and BE4 of the Warwick District Local Plan 2011-2029; |
| (12) | 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 approved details and shall not be |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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; and |
| (13) | 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. |

31. **W/21/0708 – Barn 6 - Stanks Farm, Old Budbrooke Road, Budbrooke**

The Committee considered an application from Mr & Mrs Glover for the conversion of Barn 6 to a dwelling.

The application was presented to Committee because an objection had been received from Budbrooke Parish Council.

Officers were mindful of two separate planning applications of a similar nature that had been submitted for this site in relation to Barns 1- 5 (W/21/0710) and Barn 7 (W/21/0709). The applicant had put forward a fall-back position in terms of the approved Class Q applications, therefore officers needed to be satisfied that granting planning permission for the current application and the two other applications would not exceed the fall-back position. Class Q placed limitations on the cumulative number of dwellings that could be created for a particular site. This included the cumulative number of larger dwellings not exceeding three and the cumulative number of separate dwellings not exceeding five.

Having reviewed the current scheme and the two other applications at this site, officers were satisfied that the cumulative number of larger dwellings

PLANNING COMMITTEE MINUTES (Continued)

would not exceed three and the cumulative number of separate dwellings would not exceed five. The curtilage would be no greater than permissible under Class Q and permitted development rights would be removed by condition. Therefore, the grant of planning permission would not exceed the limitations of Class Q and would lead to no greater harm than the fall-back position.

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

The Committee therefore

Resolved that W/21/0708 be **granted** subject to the following conditions:

No.	Condition
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- | | |
|-----|--|
| (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);

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|-----|--|
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 21-17-16A, 21-17-110, 21-17-112, and specification contained therein, submitted on 28th July 2021, 13th May 2022 and 20th May 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; |
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| (3) | no development shall take place until: |
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a)	a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority;
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b)	the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority; and
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c)	an Archaeological Mitigation Strategy document (including a Written Scheme of
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PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

(4) 1. No development shall take place until:

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 from the desktop 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;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <ul style="list-style-type: none">• an appropriate gas risk assessment to be undertaken;• refinement of the conceptual model; and• the development of a method statement detailing the remediation requirements. |
| | <p>c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.</p> |
| | <p>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.</p> |
| | <p>2. All development of the site shall accord with the approved method statement.</p> |
| | <p>3. 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 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.</p> |
| | <p>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.</p> |
| | <p>Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (5) | <p>the development hereby permitted shall not commence until:</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>a) a noise assessment has been undertaken to assess the impact of noise arising from road and rail transport on the proposed development with reference to the guidance contained in BS8233:2014 and the World Health Organization's Guidelines for Community Noise (1999)</p> <p>b) the results of the noise assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures to protect residents of the development from noise, have been submitted to and approved in writing by the local planning authority; and</p> <p>Any necessary mitigation measures shall be implemented in full accordance with the approved details and retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.</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;</p> |
| (6) | <p>the approved curtilage shall be restricted to the areas identified on the Curtilage Plan 21-17-112 received by the Local Planning Authority on 13th May 2022.</p> <p>Reason: To comply with the requirements set out in Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015;</p> |
| (7) | <p>all rooflights shall be conservation style and maintained as such.</p> <p>Reason: To ensure an appropriate standard of design and appearance, and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (8) | <p>the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been laid out in strict accordance with the approved plans and made available for use by the occupants of the development. 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> |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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;

- (9) the development hereby permitted shall not be occupied unless and until the car parking areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029;

- (10) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted.

Reason: To ensure that the rural character and appearance of the barn is protected, in accordance with Policy BE4 of the Warwick District Local Plan 2011-2029;

- (11) 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 approved details and shall not be removed or altered in any way (unless being upgraded).

PLANNING COMMITTEE MINUTES (Continued)

condition. Therefore, the grant of planning permission would not exceed the limitations of Class Q and would lead to no greater harm than the fall-back position.

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

The Committee therefore

Resolved that W/21/0709 be **granted** subject to the following conditions:

No.	Condition
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| (1) | the development hereby permitted shall begin no later than three years from the date of this permission. |
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Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

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| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 21-17-17, 21-17-110, 21-17-112, and specification contained therein, submitted on 13th April 2021, 13th May 2022 and 20th May 2022. |
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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;

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| (3) | no development shall take place until: |
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a)	a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority;
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b)	the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority; and
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c)	an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological
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PLANNING COMMITTEE MINUTES (Continued)

fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the district's historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

(4) 1. No development shall take place until:

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 from the desktop 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.

PLANNING COMMITTEE MINUTES (Continued)

- 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 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 deal 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 until:

a) a noise assessment has been undertaken to assess the impact of noise arising from road and rail transport on the proposed development with

PLANNING COMMITTEE MINUTES (Continued)

reference to the guidance contained in BS8233:2014 and the World Health Organization's Guidelines for Community Noise (1999)

b) the results of the noise assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures to protect residents of the development from noise, have been submitted to and approved in writing by the local planning authority; and

Any necessary mitigation measures shall be implemented in full accordance with the approved details and retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

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;

- (6) the approved curtilage shall be restricted to the areas identified on the Curtilage Plan 21-17-112 received by the Local Planning Authority on 13th May 2022.

Reason: To comply with the requirements set out in Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015;

- (7) all rooflights shall be conservation style 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;

- (8) the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been laid out in strict accordance with the approved plans and made available for use by the occupants of the development. 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.

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

PLANNING COMMITTEE MINUTES (Continued)

Policy BE1 of the Warwick District Local Plan 2011-2029;

- (9) the development hereby permitted shall not be occupied unless and until the car parking areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029;

- (10) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted.

Reason: To ensure that the rural character and appearance of the barn is protected, in accordance with Policy BE4 of the Warwick District Local Plan 2011-2029;

- (11) 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 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; and

PLANNING COMMITTEE MINUTES (Continued)

(12) 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.

33. Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 7.29pm)

CHAIRMAN
17 August 2022

Planning Committee

Minutes of the meeting held on Tuesday 19 July 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors B Gifford, Kennedy, Norris, and Tangri.

Also Present: Deputy Monitoring Officer and Democratic Services Manager – Graham Leach

34. Meeting Adjournment

The Chairman adjourned the meeting until 6.00pm on Wednesday 20 July 2022.

(The meeting was adjourned at 6.00pm)

Resumption of the adjourned Planning Committee meeting held on Wednesday 20 July 2022 at the Town Hall, Royal Leamington Spa at 6.00pm

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

Also Present: Committee Services Officer – Sophie Vale; Legal Advisor – Ross Chambers; Development Manager – Gary Fisher; Business Manager – Rob Young, Principal Planning Officer – Helena Obremski (remote), and Dave Pilcher (Highways Department Warwickshire County Council)

35. Apologies and Substitutes

Apologies were received from Councillors Noone and Morris.

36. Declarations of Interest

There were no declarations of interest made.

37. Site Visits

To assist with decision making, Councillors Dickson, Jacques, Kennedy, Murphy, Norris, and Quinney had visited the following application sites:

W/22/0348 – New Teaching Block, Myton School, Myton Road, Warwick

W/21/1493 – 1 Rock Cottages, Warwick Road, Leek Wootton

W/22/0420 – 23 High Street, Kenilworth

W/22/0421 LB – 23 High Street, Kenilworth

PLANNING COMMITTEE MINUTES (Continued)

38. **Minutes**

The minutes of the meeting held on 4 May 2022 were approved as a correct record.

39. **W/22/0212 – 48 New Street, Kenilworth**

This item was withdrawn from the agenda.

40. **W/22/0213/ LB – 48 New Street, Kenilworth**

This item was withdrawn from the agenda.

41. **W/22/0348 – New Teaching Block, Myton School, Myton Road, Warwick**

The Committee considered an application from Myton School for the erection of a two-storey teaching block with associated landscaping and parking, following the demolition of a single storey brickwork derelict caretaker's bungalow and a single storey brickwork cycle storage enclosure.

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

The officer was of the opinion that the proposed development of a new teaching block on an allocated major education site within the Local Plan was considered to be acceptable in principle. It would have an acceptable impact on neighbouring amenity, highway safety, air quality, trees, drainage, ecology, and the character of the area. Subject to conditions, the proposal was considered to be acceptable. It was therefore recommended for approval.

An addendum circulated prior to the meeting advised the following:

- Condition 3 (Tree Protection Measures)- an Arboricultural Method Statement was submitted following the publication of the committee report. This was assessed by the Council's Tree Officer who confirmed that it was acceptable. Therefore condition 3 should be deleted and replaced with the following compliance condition:

"No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In 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

PLANNING COMMITTEE MINUTES (Continued)

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)."

- Condition 4 (BREEAM Requirements) - the applicant provided a "Design Stage Assessment" by an accredited BREEAM assessor demonstrating that the development would be designed and constructed to achieve as a minimum BREEAM standard 'very good'. Therefore, the first part of proposed condition 4 had been addressed and the condition should be updated to require only a "Completion Stage Assessment" by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' within 3 months of occupation of the development.
- Condition 5 (Requirement for provision of a Sustainability Statement) - a Sustainability Statement had been provided by the applicant. Officers reviewed this and whilst it was broadly acceptable, it required some minor alterations to ensure that it met with the requirements of condition 5. The applicant was in the process of making these updates. If Members resolve to grant permission, Officers request that delegation be given to amend condition 5 to a compliance condition, if an acceptable Sustainability Statement was provided prior to a decision being issued.
- Condition 6 (Requirement for provision of a Protected Species Method Statement) - an updated Protected Species Method Statement had been provided by the applicant and assessed by WCC Ecology, who confirmed that it was acceptable. Condition 6 should therefore be amended to a compliance condition with the submitted details.
- Additional Public Responses:
 - 1 email addressed from 16 neighbours from Myton Gardens referring to matters stated in the summary of representations (supporting documents unclear and misleading; unclear purpose for proposal; previous permission more sympathetic; lack of consideration of neighbours).
 - 1 letter from immediate neighbour referring to matters stated in the summary of representations (lack of masterplan for whole site; unclear aims for proposal; overdevelopment of the site; overshadowing and loss of light; impact on local traffic; lack of adequate parking; build quality; biodiversity report inaccurate; construction management plan unacceptable – impact on nearby residential parking).

The following people addressed the Committee:

- Councillor Cross, Warwick Town Council, objecting; and
- Mr Beaumont, objecting.

PLANNING COMMITTEE MINUTES (Continued)

In response to a question from Members, the WCC Highways Department officer noted that there would be a school travel plan implemented, and that concerns regarding the space at the front of the proposed block becoming a drop-off point could be raised within that.

The Principal Planning Officer explained that the applicant had used surveys of current usage by current students in order to reach the conclusion that 20% of students would cycle to school. Demand was worked out on a needs basis and the plan allowed for the monitoring of cycling so storage space could be increased if necessary. However, a note could be added to encourage the applicant to increase this number.

Regarding concerns about increased traffic flow due to the increase in students, the WCC Highways Department officer stated that Transport Planning had assessed the current vehicle flow in the area, and its projected increase. They did not believe that there were any concerns at the moment in time.

In response to a question from Members, the Principal Planning Officer agreed that a note could be added to encourage ongoing negotiations between the developers and the school to increase the safety of pupils during construction.

Members raised concerns about the sustainability of the proposal, but the Principal Planning Officer reassured members that there were policy requirements and conditions already in place to increase sustainability. For example, all the energy sources would be electric. At the request of a Councillor, a note requesting the inclusion of bird boxes for swifts could be added to further encourage sustainability.

The Principal Planning Officer also clarified that a BREEAM rating of 'very good' was the minimum requirement in the Local Plan, so there would be no material consideration for adding a condition to require a higher rating.

The Development Manager added that it could sometimes be difficult to achieve an 'excellent' BREEAM score. However, he offered to include a detailed advisory note that covered all the concerns raised and that would encourage the applicant to reach Members' expectations.

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

The Committee therefore

Resolved that W/22/0348 be **granted** subject to

- a) an advisory note to be written by officers, encouraging safety management as part of the Construction Management Plan; swift boxes; seeking a higher proportion cycling to the site; and striving for a better BREEAM rating; and

- b) the following conditions:

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PLANNING COMMITTEE MINUTES (Continued)

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 drawings:</p> <p>21041-CW-ZZ-01-DR-A-0303 Rev P0 (first floor plan) and 21041-CW-ZZ-RF-DR-A-0304 Rev P0 (roof plan) submitted on 23rd February 2022; and,</p> <p>MSTB-CW-XX-ZZ-DR-A-2100 Rev P-01 (north and south elevation) and MSTB-CW-XX-ZZ-DR-A-2101 Rev P-00 (east and west elevation) submitted on 1st June 2022; and,</p> <p>MSTB-CW-ZZ-ST-DR-A-2000 Rev P-04 (ground floor plan) submitted on 17th June 2022; and,</p> <p>MSTB-CW-ZZ-ST-DR-A-0300 Rev P-04 (site plan - huts to be demolished and cycle storage) submitted on 5th July 2022,</p> <p>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>no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In 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</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).</p> <p>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>
(4)	<p>a Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority within 3 months of first occupation.</p> <p>Reason: To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029;</p>
(5)	<p>the building shall not be occupied until the works within the approved Sustainability Statement, submitted to the Local Planning Authority on 22nd July 2022, have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.</p> <p>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);</p>
(6)	<p>the development hereby permitted shall be carried out in full and strict accordance with the approved protected species method</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>statement, submitted to the Local Planning Authority on 19th July 2022.</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>
(7)	<p>the development hereby permitted shall not be occupied, until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of native tree and shrub planting, wildflower grassland, pollinator-friendly planting and locations/types of bird and bat boxes and hedgehog holes in fencing shall be provided. Such approved measures shall thereafter be implemented in full.</p> <p>Reason: To ensure a net biodiversity gain in accordance with NPPF;</p>
(8)	<p>prior to occupation of the hereby approved development, a car parking strategy shall be submitted to and approved in writing by the Local Planning Authority which details when the two temporary huts are to be demolished as shown on the approved site plan and how car parking will be managed during the transitional phase between the new development being completed and temporary huts being demolished.</p> <p>Reason: To ensure that the development provides adequate vehicle parking in accordance with Policy TR3 of the Warwick District Local Plan 2011 – 2029;</p>
(9)	<p>prior to the installation of any bin or cycle stores, full details of the design and scale of the structures shall be submitted to and agreed by the Local Planning Authority.</p> <p>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;</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(10)	<p>there shall be no occupation of the hereby approved development unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority, based on the principles set out within drawing (03)001 Rev E (landscape masterplan) submitted to the Local Planning Authority on 30th June 2022. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.</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>
(11)	<p>no external light fittings and external light columns shall be installed unless and until details of the light fittings and 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 on</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>the southern and north-eastern side of the development 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• Lighting should be shielded to avoid spillage onto vegetated areas• The brightness of lights should be as low as legally possible;• Lighting should be timed to provide some dark periods;• Connections to areas important for foraging should contain unlit stretches. <p>Reason: In accordance with NPPF, ODPM Circular 2005/06;</p>
(12)	<p>in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.</p> <p>Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;</p>
(13)	<p>prior to occupation of the development, the applicant shall submit a School Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time.</p> <p>The plan shall:</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ul style="list-style-type: none"> i. specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels; ii. set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement; iii. explain and justify the targets and measures by reference to the Transport Assessment; iv. identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development. <p>Reason: In the interest of promoting sustainable transport methods and reducing the reliance on the private vehicle in accordance with the requirements of Policy TR2 of the Warwick District Local Plan and the NPPF;</p>
(14)	<p>the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas and secure cycle storage areas indicated on drawings (03)001 Rev E (landscape master plan - car parking) and MSTB-CW-ZZ-ST-DR-A-0300 Rev P-03 (site plan - cycle stores) have been provided and thereafter those areas shall be kept marked out and available for such use at all times.</p> <p>Reason: 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 and TR3 of the Warwick District Local Plan 2011-2029;</p>
(15)	<p>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</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>Local Planning Authority. The development shall be carried out in strict accordance with these approved details.</p> <p>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;</p>
(16)	<p>no development shall be carried out above slab level unless and until samples of the external facing materials and details of the colour of the windows and doors 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.</p> <p>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;</p>
(17)	<p>the development hereby approved shall be carried out in strict accordance with the following plans and drawings:</p> <p>BREEAM Pre-Assessment Report – (495)2211-SB-PA-Myton_Sch_R01 , Rev: 01 Contaminated Land Assessment – AG1806-13-Q06 Design and Access Statement – 21041-8000-000 Myton School Pre Application Response Myton School Topographical Survey – 40248/1 Proposed Elevations – 21041-CW-ZZ-ZZ-DR-A-0310 , Rev: P0 Proposed Roof Plan – 21041-CW-ZZ-RF-DR-A-0304 , Rev: P0 Proposed Sections – 21041-CW-ZZ-ZZ-DR-A-0330 , Rev: P0 Proposed Site Location Plan – 21041-CW-ZZ-ST-A-0300 , Rev: P0 Existing Site Plan – 21041-CW-ZZ-ST-DR-A-0200 , Rev: P0 Flood Risk Assessment, Myton School Sixth Form – EW369-FRA MTSB-SBK-01-XX-DR-C-500-P04 - Drainage Design</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>MTSB-SBK-01-XX-DR-C-510 - Drainage Construction Details MTSB-SBK-XX-XX-RP-C-001 - Tanked Permeable Paving 100y + 40%CC Myton Wastewater – STW Asset Record 1044380 - BA Greenfield DEV ENQ (S) Myton Road, Warwick – Flattened A3L_Sewer_Tabular - Myton Road School Topographical Survey – U07742/1 Ground Investigation – AG1806-13-Q06;</p>
(18)	<p>prior to first use of the development hereby permitted, the mitigation measures contained in the approved air quality mitigation statement, submitted to the Local Planning Authority on 24th March 2022, shall be implemented in full. The approved mitigation measures shall then be retained thereafter and shall not be altered in any way without expressed written consent from the local planning authority.</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;</p>
(19)	<p>the hereby approved development shall be carried out in strict accordance with the details contained within the approved Construction Management Plan submitted to the Local Planning Authority on 30th June 2022.</p> <p>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;</p>
(20)	<p>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, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>enough to attract attention, 5dB(A) shall be added to the measured level.</p> <p>Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and</p>
(21)	<p>notwithstanding the details shown on the approved plans, prior to the occupation of the development hereby permitted, the side facing windows in the 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.</p> <p>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;</p>

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

The Committee considered an application from Mrs Cusdin for the demolition of an existing garage & erection of a three-bedroom dwellinghouse with associated works.

The application was presented to Committee because of an objection received from the Parish Council.

The officer was of the opinion that the application should be granted, subject to the conditions outlined in the report.

The following people addressed the Committee:

- Councillor Coates, Town Councillor, objecting; and
- Mr Watson, objecting.

The Development Manager noted that there was an existing residential property close to the boundary of the village hall, but Environmental Health did not believe that there were grounds for Members to refuse the application based on issues with noise. He also stated that the distance between the proposed building and the village hall was approximately 1m. Despite this close proximity, the building itself could act as a noise shield and Environmental Health had no objections, so therefore any additional conditions regarding noise insulation would not be appropriate.

PLANNING COMMITTEE MINUTES (Continued)

However, he did suggest that a condition requesting the applicant to submit details of any noise nuisance mitigation through development could be added.

In response to questions, the Development Manager reassured Members that the trees and hedges would remain as it was.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Norris and seconded by Councillor Gifford that the application should be granted subject to the conditions in the report and the additional condition suggested by the Development Manager.

The Committee therefore

Resolved that W/21/1493 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 details shown on the site location plan '21.007-01a' submitted on the 6th August 2021, approved drawings '21.007-03f', '21.007-04H' submitted on the 29th April 2022, and specification contained therein. 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)	notwithstanding the 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; a) How the development will reduce carbon emissions and utilise renewable energy;

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>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;</p> <p>c) Details of the building envelope (including U/R values and air tightness);</p> <p>d) How the proposed materials respond in terms of embodied carbon;</p> <p>e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,</p> <p>The dwelling shall not be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.</p> <p>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);</p>
(4)	<p>the development hereby permitted (including demolition) shall not commence until further bat surveys of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.</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 NE2 of the Warwick District Local Plan 2011-2029;</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(5)	<p>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 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>the development hereby permitted shall not commence unless and until tree protection/mitigation measures have been submitted to and approved in writing by the Local Planning Authority and the approved measures have been put into place. The approved measures must remain in place for the duration of construction works. The information to be submitted must include:</p> <ul style="list-style-type: none">a) a detailed scaled plan (to a scale and level of accuracy appropriate to the proposal) showing the position of

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>every tree on the site, and every tree on land adjacent to the site (including street trees) that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area etc) with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres;</p> <p>b) a schedule of the trees surveyed as specified in paragraph 4.2.6 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction - Recommendations; and</p> <p>c) a tree protection plan (to include protection measures during and after construction and any construction exclusion zones) (in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction) which also includes any proposal for pruning or other preventative works.</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>the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. The new dwelling shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.</p> <p>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;</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(8)	<p>prior to the occupation of the dwelling hereby permitted, two 16amp (minimum) electric vehicle recharging point 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 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).</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 the Air Quality and Planning Supplementary Planning Document;</p>
(9)	<p>the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring area for the new dwelling has been provided in accordance with the details shown on the approved drawings and thereafter that area shall be marked out and retained in perpetuity for use at all times.</p> <p>REASON: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029;</p>
(10)	<p>the existing trees and shrubs indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any trees or shrubs 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 trees and</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>shrubs of the same size and species as that originally planted . All trees and shrubs 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>
(11)	<p>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.</p> <p>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;</p>
(12)	<p>prior to the commencement of the development hereby permitted a detailed combined ecological and landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The plan should include details of habitat enhancement/creation measures such as native species planting, tree and hedgerow planting and provision of bat/bird boxes, and hedgehog boxes. The agreed scheme shall thereafter be implemented and retained in strict accordance with the approved details.</p> <p>REASON: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities and ecology of the area in accordance with the NPPF and</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;
(13)	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; and
(14)	an additional condition for the applicant to submit details of the means by which any noise nuisance would be reduced by the design of the development.

43. **W/22/0420 – 23 High Street, Kenilworth**

The Committee considered an application from Mr Secher for a proposed installation of replacement windows, first floor rear extension to create a shower room, and a proposed installation of rear bi-fold doors and canopy projection.

The application was presented to Committee at the request of Councillor Hales.

The officer was of the opinion that the application be refused.

An addendum circulated at the meeting advised that a set of revised plans/elevations had been submitted illustrating minor revisions to the proposed alterations at rear ground floor level of the site. Namely, proposed French doors had been replaced by units featuring glazing panels, and the glazed canopy had been reduced in scale. The proposed first floor rear extension remained unchanged. An additional heritage statement document had also been submitted.

The following people addressed the Committee:

- Mr Secher, supporting; and
- Councillor Hales, District Councillor, supporting.

In response to questions from Members, the Business Manager stated that Tudor buildings need to have single-glazed windows to preserve the character of the building. He explained that the NPPF advises that great weight should be given to preservation when considering heritage assets such as this Grade II listed property.

PLANNING COMMITTEE MINUTES (Continued)

The Development Manager added to this, stating that the Council had a duty to protect heritage assets. He referred to a policy which stated that Members must give "special regard to the desirability to preserving a listed building or its setting or any features of architectural or historic interest which it possesses".

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, proposed by Councillor Margrave, and seconded by Councillor Norris that the application be granted against officer's recommendation. This was because they felt that the proposal would not have a negative impact on the conservation of the heritage of the house.

However, the result was 5-5, meaning that the Chairman had the casting vote as per Council procedure. The Chairman stated that he would go along with officer's recommendation for refusal. It was then proposed by Councillor Quinney and seconded by Councillor Jacques that the application should be refused.

The Committee therefore

Resolved that W/22/0420 be **refused** for the following reasons:

No.	Refusal Reasons
(1)	Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policy KP13H sets out a number of design characteristics that should be upheld to retain the unique features and character of the High Street.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the first-floor rear extension. This addition is viewed as inappropriate in terms of design and layout, failing to preserve or enhance the historic architectural features of the listed building. No public benefits have been identified to sufficiently outweigh this harm.

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

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Mr Secher for a proposed installation of replacement windows, first floor rear extension to create a shower room, and a proposed installation of rear bi-fold doors and canopy projection.

The application was presented to Committee at the request of Councillor Hales.

The officer was of the opinion that the application for Listed Building Consent be refused.

An addendum circulated at the meeting advised that a set of revised plans/elevations had been submitted illustrating minor revisions to the proposed alterations at rear ground floor level of the site. Namely, proposed French doors had been replaced by units featuring glazing panels, and the glazed canopy had been reduced in scale. The proposed first floor rear extension remained unchanged. An additional heritage statement document had also been submitted.

The following people addressed the Committee:

- Mr Secher, supporting; and
- Councillor Hales, District Councillor, supporting.

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 Murphy that the application should be refused in accordance with officer's recommendations.

The Committee therefore

Resolved that W/22/0421/LB be **refused** for the following reasons:

No.	Refusal Reasons
(1)	Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policy KP13H sets out a number of design characteristics that should be upheld to retain the unique features and character of the High Street.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the first floor rear extension. This

PLANNING COMMITTEE MINUTES (Continued)

No.

Refusal Reasons

addition is viewed as inappropriate in terms of design and layout, failing to preserve or enhance the historic architectural features of the listed building. No public benefits have been identified to sufficiently outweigh this harm.

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

45. W/22/0511 – 20 Siddeley Avenue, Kenilworth

The Committee considered an application from Mr Baker for the erection of a two-storey side extension and front porch and canopy roof.

The application was presented to Committee as more than 5 public responses object to the application. It was recommended for approval.

The proposals were considered to have an acceptable impact on the character and quality of the street scene through the proposed layout, building materials and scale of the development. The proposals would also have an acceptable impact on the living conditions of neighbouring dwellings. The proposals were therefore in accordance with Local Plan Policies BE1 and BE3. It was recommended this application be granted.

The following people addressed the Committee:

- Miss Worrall, objecting

In response to questions from Members, the Development Manager stated that the 45-degree line was drawn from the midpoint of the first-floor window and that officers found this have no negative impact as the degree line missed the corner of the neighbouring window. This meant that the proposal was acceptable in principle.

The Development Manager stated that the totality of this proposal did require planning permission because of the way that it was designed, but a substantial proportion of the ground floor element could be undertaken under permitted development rights, which would have a similar impact on the shared driveway.

Responding to concerns raised about the front of the property and potential detriment to the street scene, the Development Manager noted that a canopy/porch would be added to the front of the house, which would indeed make the property look different to the surrounding properties but that it would not be anomalous or have a significantly negative impact. He also clarified that the proposed extension on the side of the property would not affect the parking ability of the neighbouring property in accordance with parking standards.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Norris and seconded by Councillor Quinney that the application be refused contrary to officer's

PLANNING COMMITTEE MINUTES (Continued)

recommendation due to concerns about the street scene and how the extension would affect use of the driveway. However, the result was 4-6, meaning that the vote to refuse the application was lost.

It was proposed by Councillor Jacques and seconded by Councillor Kennedy that the application be granted in line with officer's recommendations.

The Committee therefore

Resolved that W/22/0511 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 and approved drawing 4039-04E, and specification contained therein, submitted on 07/06/2022.</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; and</p>
(3)	<p>all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building.</p> <p>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.</p>

46. **W/22/0701 – 7 Arundel Close, Warwick**

The Committee considered an application from Mr Davy for the erection of a single storey front extension and conversion of garage.

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

The officer was of the opinion that the application was considered harmful to neighbouring residential amenity by reason of loss of light and outlook.

PLANNING COMMITTEE MINUTES (Continued)

The development was therefore contrary to Local Plan Policy BE3 and was recommended for refusal.

The following people addressed the Committee:

- Mr Darcy, supporting

In response to questions from Members, the Business Manager stated that in officers' opinion, the addition of the pitched roof aspect conflicted with policy. However, the feeling amongst Members was that this aspect would make little difference to the neighbouring property. There had also been no objection submitted by those neighbours.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Gifford and seconded by Councillor Quinney that the application should be granted because Members felt that there would be no real worsening of the next-door property's amenity.

The Committee therefore

Resolved that W/22/0421/LB be **granted**, contrary to officer's recommendations subject to conditions to be agreed by the Chair of the Planning Committee in consultation with officers.

47. W/22/0549 – The Old Dole Office, Crown Building, Spencer Yard, Royal Leamington Spa

The Committee considered an application from Complex Development Projects for the demolition and extension of outbuilding with proposal for a rendered second floor wall adjoining the former Dole Office. Omission of proposed balcony and entrance screen as approved under application W/20/2134 (Extensions, alterations and change of use to office space (Use Class E)).

The application was presented to Committee because Warwick District Council own the site.

The officer was of the opinion that the proposals would generate significant public benefits, including making a major contribution to the regeneration of the Creative Quarter and securing the long-term use of an important building. The proposals were considered to be acceptable in terms of design, the impact on nearby heritage assets, the impact on neighbouring properties, parking / highway safety, ecological impacts, air quality and the other detailed matters assessed above. Therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting advised of the following:

- *Flooding*- Warwickshire County Council as the Lead Local Flood Authority (LLFA) reviewed the application. The LLFA noted that this application proposed to make minor changes to a previously approved application (Ref: W/20/2134) for which the LLFA in response to that application provided no comment. They advised that

PLANNING COMMITTEE MINUTES (Continued)

having reviewed the information submitted within [W/20/2134] application and given the previous response, the LLFA would be acquiescent to the approval of this planning application. However, they consider that additional information should be provided in order to better understand the implications of the scheme in regard to flooding:

'The LLFA would welcome clarification on the below points. The proposed discharge rate from the site into the existing surface water sewer. As per the Warwick District Local Plan it would ordinarily be expected that the discharge rate from the site would be set to QBar but we accept that this may diverge from what was previously approved under planning ref W/20/2134. Following on from the above point, further clarification should be provided on what attenuation/SuDS will be incorporated within the drainage strategy. The LLFA notes that the site masterplan includes small areas of landscaping which could be designed as bio-retention /raingarden SuDS areas and be used to drain the site and perhaps provide betterment of the site or alternatively could permeable paving be used instead of tarmac.'

The LLFA advised that their concerns might be overcome through the submission of further information which demonstrated that the development would not increase risk elsewhere and where possible reduces flood risk overall. It was recommended that such information be secured by pre-commencement condition, an approach which had been supported by the LLFA.

- *Parking-* Following further scrutiny of the plans, it was considered that the proposed extension to the rear of the building increases the parking requirement (in accordance with the Parking SPD) by 3 parking spaces. The extension did not trigger the need for an additional cycle space. As stated in the Officer's report, the development already provided a significant shortfall of parking spaces at the site. Despite a need for a further 3 spaces (35 in total required to comply with the SPD), Officers consider that the same conclusions should be drawn to those set out in the report; despite the increase in parking requirement, significant weight must still be attached to the previous approval for the conversion of the office (W/20/2134), which was extant and could be implemented in the event that planning permission for the current proposal was refused. The public benefits of bringing this redundant building back into use in a highly sustainable location, despite the higher parking requirement, were still considered to outweigh the harm resulting from a lack of parking provision. This was therefore not considered a reason for refusal.

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 Kennedy that the application should be granted.

The Committee therefore

Resolved that W/22/0549 be **granted** subject to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

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 details shown on the site location plan and approved drawing(s) 2362.03.1000-RevP, 2362.03.1100-RevP, 2362.03.1101-RevP, 2362.03.1102-RevP, 2362.03.1103-RevP, 2362.03.1200-RevP, 2362.03.1201-RevP, 2362.03.1202-RevP and specification contained therein, submitted on 29th 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)	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, 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 protect the living conditions of nearby dwellings, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan;
(4)	in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.</p> <p>Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;</p>
(5)	<p>prior to the occupation of the development hereby permitted, one 7kW (minimum) electric vehicle recharging point 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 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; (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 shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).</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 the Air Quality and Planning Supplementary Planning Document;</p>
(6)	<p>no development shall be carried out above slab level unless and until samples of the external facing and landscaping 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.</p> <p>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</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	Policy HE1 of the Warwick District Local Plan 2011-2029;
(7)	<p>no part of the development hereby permitted shall be used for any purpose falling within Class E (b) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), unless and until:</p> <ul style="list-style-type: none">a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve the premises;b) the results of the odour assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; andc) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details. The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority. <p>Reason: To project the living conditions of nearby dwellings, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan;</p>
(8)	<p>the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.</p> <p>Reason: 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 and TR3 of the Warwick District Local Plan 2011-2029;</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(9)	<p>the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.</p> <p>Reason: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;</p>
(10)	<p>The development hereby permitted shall not be occupied or brought into first use unless and until:</p> <ul style="list-style-type: none">a) a Green Travel Plan has been submitted to and approved in writing by the local planning authority; andb) the Green Travel Plan approved under (a) has been implemented in strict accordance with the approved details. <p>The Green Travel Plan shall include provision for active travel to and from the site, including cycle parking.</p> <p>Once implemented the Green Travel Plan shall not be withdrawn or amended.</p> <p>Reason: In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029;</p>
(11)	<p>The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of to the building. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent survey work, recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. Reason: To ensure that protected species are not harmed by the development and to satisfy the criteria of Local Plan Policy NE2. In order to discharge the condition above a brief report from the bat worker must be submitted to and approved by the local Planning Authority (with advice from WCC Ecological Services).

48. W/22/0653 – 35 Southway, Royal Leamington Spa

The Committee considered an application from Ms Ghaffar for the change of use from three-bed dwellinghouse (Use Class C3) to a four-bed House in Multiple Occupation (HMO) (Use Class C4) (retrospective application).

The application was presented to Committee because of the number of objections received, including one from the Town Council. The recommendation was for approval.

The officer was of the opinion that the proposed change of use was considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity. There would be no increased demand in parking as a result of the change of use. The proposed change of use was therefore recommended for approval.

In response to questions from Members, the Business Manager noted that there would be no changes to on-street parking.

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

The Committee therefore

Resolved that W/22/0653 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 proposed floor plan, and specification contained therein, submitted on 19th April 2022</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; and</p>
(2)	<p>The total number of bedrooms shall not exceed 4.</p> <p>REASON: To ensure satisfactory living conditions for occupiers of the dwelling and to ensure the satisfactory provision of off-street parking in accordance with the local planning authority's Parking Standards and in the interests of residential amenity and highway safety in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.</p>

49. **W/22/0792 – The Limes, Chessetts Wood Road, Lapworth**

The Committee considered an application from Mr & Mrs Stokes for the erection of single storey front extension.

The application was presented to Committee because of an objection received from the Parish Council.

The officer was of the opinion that the proposal was of an acceptable design that would not present a negative effect to the amenity of neighbouring properties and represents appropriate development within the Green Belt.

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

The Committee therefore

Resolved that W/22/0792 be **granted** subject to the following conditions:

No.	Condition
(1)	<p>The development hereby permitted shall begin not later than three years from the date of this permission.</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<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) 3268-SK-020, 3268-SK-040, 3268-SK-041, 3268-SK-042, 3268-SK-043, and specification contained therein, submitted on 11th May 2022.</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>all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building.</p> <p>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;</p>
(4)	<p>the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent survey work, recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report (to include any evidence found of presence or absence) shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;
(5)	no part of the development hereby permitted shall be first occupied unless and until a scheme for the provision of 2 nest boxes for swifts and 1 bat box to be erected on buildings within the site has been submitted and approved in writing by the County Planning Authority and implemented in accordance with the approved details. The scheme shall include details of box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. REASON: To enhance the nature conservation value of the site.

50. **W/22/0820 – Forge Farm, Pinley Lane, Pinley, Claverdon**

The Committee considered an application from Mr & Mrs Oliver for the change of use of existing stables and buildings to farriery and treatment of horses.

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

The officer was of the opinion that the application was that the retrospective change of use of the site was considered to be acceptable in principle. The development comprised of a change of use of existing buildings to a traditional rural enterprise, which constituted appropriate development within the Green Belt. The development was not considered to have a harmful impact on visual amenity and would have an acceptable impact on the highway network and protected species. For these reasons, the application was recommended for approval.

An addendum circulated at the meeting advised of additional public responses:

- 2 Objections:
 - The application was in the Green Belt.
 - The site of the location had only recently been given a formal name. It was not a farm and never had been. It was a series of wooden stables and barns.
 - The surrounding council owned hedge banking Forge Farm, Pinley Lane had been extensively cut back to allow a better visibility although this did not improve the visibility and was detrimental to the wildlife.

PLANNING COMMITTEE MINUTES (Continued)

- There was evidence that a business was already being carried out at the site; the Applicant stated he wants to regularise this. Does this mean that the applicant was currently operating without permission?
- The supporting statement stated that the current enterprise was predominantly based as a livery but was to change to that of a farrier business and doggy day care. There was no mention of doggy day care in the planning application and a previous application for doggy day care had previously been refused. This would also generate more traffic on an increasingly busy lane.
- It was stated that the applicant intends to develop and expand the business which would of necessity, significantly increase the amount of traffic on Pinley Lane.
- This road was a lane, had no kerbs or drainage and there was not enough room for two vehicles to pass each other. Should this be necessary then this obviously involves one, if not both, vehicles mounting the verge, thereby eroding the edge of the lane. Mud was often spread across the road causing dangerous conditions. Even riding the horse or bike you were unable to remain on the road when a car comes, let alone a horsebox or trailer.
- Concerns regarding additional traffic and highway safety implications.
- Laminitis was normally treated at the horse's location, so unsure that this claim was reasonable.
- Queries regarding the postcode for the site.

In response to a question from Members, the Principal Planning Officer explained that the potential 'doggy day care' could not be considered as the previous application that did include the day care was withdrawn. Officers were now under the impression that the day care was offsite, although the applicant might bring the dogs to the site for short periods of time when tending to the horses.

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

The Committee therefore

Resolved that W/22/0820 be **granted** subject to the following conditions:

No.	Condition
(1)	The development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved drawings KCC3086/03B 05/22ec (Block Plan Rev B), KCC3086/06 10/21pg (Forge Elevations and Floor Plan), and KCC3086/12 04/22cb (Elevations and Floor Plan - Stables), and specification contained therein, submitted on 16th May 2022.

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<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>there shall be no further use of the site unless and until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 90 metres to the near edge of the public highway carriageway, in accordance with the details on submitted drawing KCC3086/09 02/22ec. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.</p> <p>Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and</p>
(3)	<p>there shall be no further use of the site unless and until details of the vehicular access to be widened to a width of no less than 5 metres for a distance of at least 10 metres, as measured from the near edge of the public highway carriageway and to be surfaced with a bound material for a minimum distance of 10 metres as measured from the near edge of the public highway carriageway, have been submitted to and approved in writing by the Local Planning Authority. There shall be no further use of the site until the approved aforementioned access details are implemented in full.</p> <p>Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.</p>

PLANNING COMMITTEE MINUTES (Continued)

51. **Appeals Report**

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

Resolved that the report be noted.

(The meeting ended at 9.12pm)

CHAIRMAN
17 August 2022

Application No: [W 21 / 0550](#)

Town/Parish Council: Kenilworth
Case Officer: Dan Charles

Registration Date: 23/03/21
Expiry Date: 22/06/21

01926 456527 dan.charles@warwickdc.gov.uk

Land at Glasshouse Lane, Kenilworth

Reserved Matters approval for 99 no. dwellings, with associated infrastructure and landscaping. FOR Mr and Mrs Steele

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

RECOMMENDATION

Planning Committee are recommended to approve the Reserved Matters subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This application seeks the approval of reserved matters relating to the appearance, layout, landscaping and scale of the development, following the grant of outline permission on 16 April 2021 under reference W/19/1200. The site forms part of the strategic extension to the East of Kenilworth.

The proposal is for the erection of 99 dwellings together with all ancillary works. The proposal incorporates 40% affordable housing equating to 40 units across the scheme.

A single point of vehicular access to the site from Glasshouse Lane via a new junction was approved at outline stage to serve the site. An emergency access is shown from Crewe Lane which would be restricted from normal vehicular traffic but would be available for use by pedestrians and cyclists.

THE SITE AND ITS LOCATION

The site is open agricultural grassland together with the garden land associated with the existing dwelling known as Southcrest to the eastern area of the site. The existing dwelling is to be demolished as part of the application proposal.

The predominant boundary features of the site are made up of mature hedgerows with dense tree planting. Within the site are some areas of hedgerow, although incomplete and not forming a full field boundary. The area around the dwelling is bounded by a domestic form of hedgerow.

To the north of the site lies Crewe Lane with the Golf Club beyond. The site boundary to Crewe Lane is a deep planting belt of trees behind a grass verge.

To the south of the site is the land allocated and with permission for the construction of the new secondary school which is now at an advanced stage of the build.

To the east of the site the boundary abuts the wider H40 allocation that is currently subject to outline planning permission for up to 620 dwellings together with a one-form entry primary school. The reserved matters application for this site is currently pending.

To the western boundary, the site abuts Glasshouse Lane with the boundary formed by a mature hedgerow. Glasshouse Lane abuts a row of properties known as Denewood Way that are set behind a mature planting belt.

PLANNING HISTORY

W/19/1200: Outline application for demolition of existing dwelling house and outbuildings; residential development of up to 99no. dwellings including the creation of a new vehicular access, open space, landscaping and surface water attenuation(all matters reserved except access): **GRANTED 17.12.2020.**

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan (2011-2029)

- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- H15 - Custom and Self-Build Housing Provision (Warwick Local Plan - 2011-2029)
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice

- TR2 - Traffic generation
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability

Kenilworth Neighbourhood Plan 2017-2029

- KP4 - Land East of Kenilworth
- KP8 - Traffic
- KP9 - Cycle Routes
- KP11 - Footpaths
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP14 - Non-Designated Heritage Assets
- KP15 - Environmental Standards of New Buildings
- KP18 - Green Infrastructure
- KP19 - Local Green Space
- KP20 - Street Trees
- KP21 - Flooding

Guidance Documents

- East of Kenilworth Development Brief (Supplementary Planning Document - March 2019)
- Custom & Self Build Housing (Supplementary Planning Document - July 2019)
- Air Quality & Planning (Supplementary Planning Document - January 2019)
- Public Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document - June 2019)
- Residential Design Guide (Supplementary Planning Document - May 2018)
- Developer Contributions (Supplementary Planning Document - July 2020)

- Affordable Housing (Supplementary Planning Document - January 2008)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection. Lack of information on low energy housing or sustainable development. Concern over safe access/egress to the site with the access crossing a cycle path. Fails to provide true housing mix with lack of bungalows. Affordable housing not spread through site and only indicates 30%. (**Officer Note:** Plans revised to improve affordable housing layout and 7 bungalows included in the updated layout. Proposal is for 40% affordable.)

WDC Arboricultural Officer: Planting plans indicated are non-controversial and trees are well sited.

WDC Waste Management: Original comment was one of objection due to lack of bin collection points. Revised plans address these concerns.

WDC Safer Communities, Health and Community Protection: Original submission one of holding objection. Following submission of details required by condition on the outline planning permission, no objection subject to a condition for final details of noise.

WDC Open Space: Level of open space acceptable. Typologies should include allotment provision. (**Officer Note:** Revised plans received to address Open Space Officer comments).

WCC Highways: Following revisions to plans to overcome original objection, no objection subject to conditions.

WCC Ecology: Ecological requirements secured at outline stage. Seek some minor revisions to some elements of planting but otherwise no objection.

WCC Landscape: Landscape proposals are broad brush and further detail will be required of final planting mix etc. Concern over use of ornamental street trees.

Public Response: A total of 8 comments received, 6 of objection and 2 neutral.

Objection Comments

- Area already subject to ongoing development including HS2 resulting in impact to the rural landscape and destruction of trees and wildlife.
- Increased noise, pollution and disturbance.
- Increase in traffic.
- Harm to character of area.
- Lack of infrastructure to support new development.
- No need for additional housing.
- Access is harmful to highway safety.
- Land should have been returned to Green Belt if not needed for school.
- Houses are too close together.

- Insufficient tree planting.

Neutral Comments

- Adequate S106 funding must be available to enable highways works to Crewe Lane/Hidcote Road/Glasshouse Lane improvement works to be completed. Would prefer to see an alternative site access.

ASSESSMENT

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application and was found to be acceptable. The outline planning permission approved the vehicular access to the site from Glasshouse Lane.

Consideration of the current application can only include issues related to the detailed appearance, landscaping, layout and scale of the 99 dwellings proposed.

In view of the above, the main issues relevant to the consideration of this application are as follows:

- Housing Mix
- Design and Layout;
- Impact on Visual Amenity and the Character of the Surrounding Area
- The Impact on Residential Amenity;
- Highway Safety;
- The Ecological Impact of the Proposals;
- Sustainability;
- Drainage and Flood Risk;
- Trees and Hedgerows; and
- Health and Wellbeing.

Assessment of the Proposed Housing Mix/Provision

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations.

Policy H4 of the Local Plan requires residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district in accordance with the latest SHMA and as summarised in the most recent guidance document 'Provision of a Mix of Housing' (June 2018), based on current and demographic trends, market trends and the needs of different groups in the community. This development provides:

Market Housing

The proposed market housing mix for this phase of development is as follows:

Bedrooms	Total	% Proposed	WDC requirement	Difference
1 bedroom	2	3.4%	5-10%	-1.6%
2 bedroom	15	25.4%	25-30%	0%
3 bedroom	27	45.8%	40-45%	+0.8%
4+ bedroom	15	25.4%	20-25%	+0.4%

The market housing mix generally accords with the Housing Mix as set out within the Housing Mix SPD with a small shortfall of 1 bed units. Having considered this in the context of the development, the overall provision remains well balanced and there is no significant deviation from the requirements.

I am therefore satisfied that the housing mix is appropriate.

Additionally, careful consideration has been given to the location of all house types and tenures across the whole development, which is considered to represent a good spread of dwelling sizes across the development site.

In making this assessment, I consider the overall housing mix is generally in conformity with the guidance (2018) and this development is therefore acceptable.

Affordable Housing

The proposed affordable housing mix for this phase of development is as follows:

Bedrooms	Total	% Proposed	WDC Requirement	Difference
1-bedroom	12	30%	30-35%	0%
2-bedroom	15	37.5%	25-30%	+7.5%
3-bedroom	11	27.5%	30-35%	-2.5%
4-bedroom	2	5%	5-10%	0%

This proposal would provide 40% affordable housing comprising the mix of dwelling sizes set out in the above table.

The Affordable Housing Mix does not fully comply with the mix as set out within the SPD. There is a focus on smaller units of accommodation with more 2 bedroom units that are the most in-demand properties for affordable housing together with a small shortfall of 3 bedroom units. However, the mix for both 1 and 4 bedrooms complies with the SPD requirements. Overall, Officers are satisfied that the scheme is acceptable.

The layout plan illustrates how the affordable housing would be distributed across the site and for this development, the even distribution of affordable housing is welcomed. Where located in clusters, care has been taken to ensure that the tenures are mixed to prevent social exclusion. It is also noted that the applicants

propose tenure blind dwellings that are the same as the market range of dwellings so that they are not visually different.

The scheme also incorporates a total of 7 bungalows, 5 market units and 2 affordable units which further contributes to a well-balanced housing scheme.

Officers consider that the proposed housing mix is acceptable.

Design and Layout

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

The East of Kenilworth Development Brief sets out a range of design criteria that any development of the site must achieve.

Policy KP13 of the Kenilworth Neighbourhood Plan states that all development proposals should achieve a standard of design that is appropriate to the local area. The Policy sets out a framework for guiding design of new developments. In addition, Policy KP4 of the Neighbourhood Plan relates specifically to the East of Kenilworth Urban Extension.

Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF insofar as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The Warwick District Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

In addition, a range of principles for new development are set out with Policy KP13 of the Kenilworth Neighbourhood Plan that set out a framework for setting a benchmark for good design that maintains the special characteristics of Kenilworth whilst not stifling innovation in new design.

The site contains a mix of predominantly 2 storey dwellings with the addition of 7 units of single storey accommodation and 2 units of two and a half storey accommodation with the upper floor served by dormer windows. The properties are a mixture of detached, semi-detached and terraced properties across the site.

The scheme has a central “spine” road forming the primary route into the site with secondary routes branching off into areas of highway leading onto private drives. The central road has been designed to a 20mph limit to ensure that traffic speeds throughout the development remain low.

The central road has trees flanking the route to give a green aspect to the scheme which supplements the additional planting throughout the scheme that builds on the existing mature tree and hedge boundaries across the site.

Areas of green space are provided through the site giving informal open areas together with an equipped play area that is well located within the site. These areas are also supplemented by the open areas of the ponds on the southern boundary together with the existing ecological buffer located to the south-eastern boundary of the site. To the north, the existing tree belt is fully retained and is proposed to include a foot/cycle route spanning the length of the northern boundary. This then links into a route running down the western boundary to provide a pleasant route for future occupiers to use.

Overall, the scheme has been well-designed to take into account the existing landscape features and the design brief, and to maximise the aesthetic appearance of the site.

Officers are therefore satisfied that in overall design terms, the scheme is acceptable.

Impact on Visual Amenity and the Character of the Surrounding Area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The East of Kenilworth Development Brief sets out a range of design criteria that any development of the site must achieve in order to maintain a high level of visual amenity and to protect the character of the surrounding area.

Policy KP13 of the Kenilworth Neighbourhood Plan requires new development to have a positive response to the site characteristics and surroundings.

Views from outside the site are mitigated by existing mature boundary planting along the public highways of Glasshouse Lane and Crewe Lane with views predominantly from the access point at Glasshouse Lane. The immediate feature within the access areas is a proposed pond for the SUDS provision on the site. This feature has the benefit of providing a soft edge to the development with the proposed dwellings set back from the entrance.

In addition, the site boundaries are proposed to be retained and supplemented with additional planting where necessary. To the southern boundary of the site, the boundary is proposed to be a new hedgerow to connect into an area of retained hedgerow to the eastern side of the site area.

It is noted by Officers that the site will be read against the backdrop of further residential development on the parcel of land to the immediate east of the application site together with the significant new development of the school buildings immediately to the south and this is an important consideration when considering the visual impact of this development.

When viewed from within the site, the development would be seen as a natural continuation of the existing urban extension and would not be out of character or unacceptable development within the context of the site.

The scheme provides appropriately sized areas of open space that form an integral element of the overall proposal. The result of the increased green spaces is a development that seeks to significantly bolster the amount of tree planting within the site and the retention of the existing areas of trees to the northern boundary that form part of the open green space within the development that give an overall feeling of a development site that is sensitive to the edge of the settlement and creates a greener and 'leafy' form of development that is appropriate for this location.

Links are shown from the site to Crewe Lane to the north, Glasshouse Lane to the West and the residential development to the East. In addition, the main vehicular access is proposed to have a foot/cyclepath link to the adjacent high school access giving an acceptable pedestrian/cycle link into the school. Overall, Officers are satisfied that the scheme represents a well-linked proposal that interacts with the land parcels that it abuts giving a range of options for pedestrians and cyclists to access the site and surrounding area.

The submitted landscaping scheme builds upon the existing landscape features to the boundaries of the site and increases the overall amount of landscaping within the site. The site boundary benefits from an existing mature tree belt to the north and western boundaries and all of these trees are to be retained. Planting across the rest of the site creates a green and pleasant development. Officers are satisfied that the scheme proposed is acceptable in those regards.

Impact on Residential Amenity

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

Policy KP13 of the Kenilworth NDP requires all new development to achieve a standard of design that is appropriate to the local area and demonstrate that the impact on the residential amenity of existing and future residents is assessed and addressed.

Impact on Existing Properties

To the immediate west of the site lie the properties known as Denewood Way. These properties are set back behind an access drive and screened from the site

by the existing boundary treatment separating the dwellings from the application site. In addition, the dwellings that flank the western boundary are also set behind an access drive and front onto the existing mature planting belt.

The separation distances, notwithstanding the intervening features is greatly in excess of the required separation distances. Officers are therefore satisfied that the development would not result in demonstrable harm to the amenity of these properties. On the northern boundary, the site abuts the boundary of the Reservoir House which is set well back from the road. The intervening features include a deep tree belt affording significant separation between the dwellings and this property

The ample landscaping and public open space areas assists in ensuring the new development provides a high quality residential environment that does not have any detrimental impact on the amenity of existing properties.

Future Occupants

The dwellings have been designed to meet or exceed the required separation standards between the proposed properties across the site. In addition, all garden areas greatly exceed the minimum standards as set out within the Residential Design Guide.

In terms of noise impact, the outline application was submitted with a noise survey uses benchmark data for the noise report with regards to the future use of the adjacent site for the new Kenilworth School.

The Environmental Health Officer reviewed the document at outline stage and noted the increased potential use of the sports fields due to the combination of two existing schools onto one site. Following discussions, the scheme was considered acceptable subject to a final noise report to demonstrate that the scheme would meet the standards set within the outline report. Whilst not a matter specifically for this reserved matters application, it is noted that the EHO has agreed with the details submitted to discharge the condition on the outline permission. Officers are therefore satisfied that the scheme is acceptable.

It is also noted that the dwellings to the north of the site are in fairly close proximity to Crewe Lane. As part of the East of Kenilworth proposals, Crewe Lane is to be stopped up and become a no through road with access provided to the existing dwellings and golf course only. On this basis, Officers are satisfied that the reduction in traffic as a result of these changes would result in a significant reduction in potential noise sources.

The development is considered to provide a high quality environment which achieves the Council's design guidelines.

The amount of open space and landscaping proposed across the development meets with the required standards within the Open Space SPD and would create an overall sense of spaciousness which would enhance the sense of place and

overall amenity value for future residents. Officers are satisfied that the development accords with Policy BE3 of the Local Plan.

Highway Safety

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

The East of Kenilworth Development Brief places significant emphasis on providing a detailed and effective solution for all transport methods associated with the site and seeks to ensure that sustainable transport methods are prominent within any development proposals.

Policy KP5 of the Kenilworth Neighbourhood Plan states that in considering proposal for new developments that result in additional traffic, priority should be given to pedestrians and cyclists, improve safety and assist traffic flow whilst also accommodating the needs of public transport.

The proposed development is to be served by a single access point from Glasshouse Lane that extends through the proposed development akin to a spine road with minor roads serving the dwellings accessed from this road. The access point was approved at outline stage and this remains unchanged.

The original response of the Highways Authority was one of objection due to concerns about the internal layout. On this basis, the applicants reviewed the response and submitted revised plans to overcome the reasons for objection.

The main concerns were regarding vehicle tracking and visibility within the site. The revised plans have been assessed by the County Highways Officer who has noted that there are still some minor areas that will need to be assessed through the submission of a Road Safety Audit during the adoption process and if any queries are identified, this may require amendments to the plans. For the purposes of this application, Officers note that the general principle of the layout is acceptable and no objection is raised from the County Highways Officer subject to conditions and associated notes.

Subject to the imposition of appropriate conditions, no objection is raised on highway safety grounds and the proposal is considered to comply with Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

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

The County Ecologist reviewed the scheme at outline stage and is satisfied that the scheme is generally in accordance with the indicative plans submitted at that stage. The outline proposal was subject to conditions to secure the appropriate management plans as well as a Section 106 obligation for Biodiversity Offsetting. Therefore, no objection is raised to this Reserved Matters proposal.

The Ecologist has noted that there are some minor species identified for use that would not be the most appropriate and they have suggested an alternative species. Officers are satisfied that these changes can be identified to the applicants to supplement the existing planting scheme with the use of an appropriately worded note.

Overall, Officers are satisfied that the development is acceptable having regard to Policy NE3 of the Local Plan.

Other Matters

Sustainability

Following the Local Authority declaring a climate emergency, the Council is taking steps to becoming a net-zero carbon organisation. In addition, all efforts are to be made to reduce overall carbon emissions across the District are as close to zero as possible by 2030.

Policy KP15 of the Kenilworth Neighbourhood Plan states that development proposals are encouraged to adopt higher environmental standards of building design and energy performance.

Policy CC1 of the Local Plan states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of adaptation measures such as

- a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- b) optimising 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, in accordance with Policy NE1;
- c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3;
- d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2.

Applicants will be required to set out how the requirements of the policy have been complied with including justification for why the above measures have not been incorporated.

In addition, Policy CC3 requires major allocated sites to consider the potential for the use of large scale decentralised district heating networks.

At the outline stage, the applicants provided an energy statement within their Design and Access Statement submission regarding energy saving etc. matters. The key aspect that the applicants are seeking to achieve is the adoption of an energy efficiency measures to meet or exceed the Building Regulations together with the use of low energy white goods and light fittings. In terms of renewable energy, the scheme proposes the use of photovoltaic panels as the preferred method and the applicants anticipate that this could result in a 15% reduction in carbon emissions.

Following this, a condition was imposed to secure a range of detailed energy saving measures to comply with Policies CC1 and CC3.

It is noted that the delivery of the new homes would be after the adoption of the new updated Building Regulations that set a much higher requirement for sustainability in new homes. It is a requirement of the Building Regulations that all new homes would have to achieve this standard.

Overall, the requirements of the existing condition will secure the required sustainability measures as set out within CC1. It is considered appropriate to impose a further condition that requires the submission of a compliance report for the dwellings to demonstrate how the sustainability measures identified within the Sustainability Statement have been incorporated into the new dwellings. This will ensure that the requirements of CC1 have been satisfactorily met or exceeded across the site.

Subject to the compliance condition, Officers are satisfied that the scheme is acceptable.

Drainage

In terms of surface water drainage, the site is within Flood Zone 1 which is identified as the areas of lowest risk from flooding. Drainage is to be dealt with on-site using Sustainable Urban Drainage systems (SuDs) and 2 ponds are identified within the site for this purpose. These have been designed in accordance with the drainage strategy for the site that ensures run-off does not exceed existing green field rates plus allowance for climate change.

The Lead Local Flood Authority considered the scheme acceptable at outline stage subject to a condition to secure the final detail of the scheme. The plans submitted for the reserved matters align with the drainage strategy that is considered acceptable has raised no objection to the scheme.

The proposed surface water run-off will be mitigated through the Sustainable Urban Drainage Systems which will ensure that surface run off is minimised.

In terms of foul sewage, it is indicated that the dwellings are proposed to connect to the mains sewers in the local area. This would be subject to separate approvals with Severn Trent. It is appropriate to attach a condition seeking the details of the drainage to be submitted and approved.

Trees and Hedgerows

Policy KP20 of the Kenilworth NDP states that development proposals should avoid or minimise the loss of mature trees that contribute to the street scene and combat pollution improving air quality. Where trees are lost, the NDP requires a landscape scheme to make provision for replacements of the same or similar species planted in locations that also contribute to the street scene.

The Tree Officer considered the proposal at outline stage and was satisfied that where trees are to be removed, these have been thoroughly assessed and a robust justification has been provided to justify the loss of the trees.

The site is currently an open field with limited vegetation located within the site area other than on the boundaries.

A significant part of the proposal is to enhance the tree planting on the site as part of the development to create a softening effect to provide an appropriate environment for the new housing that will also mitigate the potential impact on the open countryside. This has the added benefit of significantly increasing the level of tree planting within the site and this is to be welcomed from both an aesthetic view point as well as a biodiversity view point.

The maintenance of trees etc is secured by conditions attached to the outline planning permission to ensure that any trees that are removed or die are replaced with appropriate species to ensure that the scheme retains its character.

The overall scheme results in a substantial increase in tree planting across the site and Officers consider this to be acceptable.

Health and Wellbeing

The submitted plan demonstrates that the site contains appropriately sized areas of open space for use by future occupants and this complies with the requirements of the outline planning permission. The areas of land set out for open space meets the requirements for all types of open space provision.

The final detail of equipment within the open space areas will be secured as part of the Section 106 Agreement secured on the outline application. This would be assessed by the Councils Open Space Team for acceptability as part of the adoption process.

The development follows Secured by Design principles which will assist in minimising the potential for crime and improve community safety for future residents.

Conclusion

The proposed development seeks to deliver 99 new dwellings as granted under the original outline planning application for the site.

The proposal represents a high quality scheme which is acceptable in overall terms including in respect of the integration of built development within the surrounding landscape and the site provides additional benefits in securing appropriate linkages with the adjacent sites to provide a comprehensive development across the overall allocation.

For the above reasons, Officers recommend that the Reserved Matters submission be approved subject to the conditions listed.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s);

A1824_001 Location Plan
P21-2961_004C Planning Layout
P21-2961_006B Materials Plan
P21-2961_007B Boundary Treatments Plan
P21-2961_011A Building Heights Plan
P21-2961_013A Open Space Plan
P21-2961_01E Detailed Soft Landscape Proposals (Sheet 1 of 2)
P21-2961_02E Detailed Soft Landscape Proposals (Sheet 2 of 2)
P21-2961_05C Landscape Composite Plan
P21-2961_G001A Southcrest Farm Design Statement
P21-2961_G002 House Type Pack
AH006_002_Rev-Regulating_Plan_HiRes (002)

Together with the specification contained therein, submitted on 31 March 2022 and 28 July 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.

- 2 No development above slab level shall be permitted unless and until a noise mitigation mark up plan for the proposed layout indicating the relevant facades and boundary fences where noise mitigation measures are proposed in pursuance of Condition 19 of outline planning permission W/19/1200 has been submitted to and approved in writing by the Local Planning Authority. Thereafter the mitigation measures shall be completed in full accordance with the approved details.

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

- 3 The development shall not be occupied until it has been laid out in general accordance with drawing no. Drawing no. Site-SK-001 Rev C Planning Layout.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 4 The construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 5 No structure, tree or shrub shall be erected, planted or retained within the junction, FSSD or pedestrian visibility splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 6 The accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 7 Prior to first occupation, a plan will be required to be submitted detailing the provision and placement of 20mph Zone signs at the entrance into the 20mph areas of the development for the approval of the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 8 No development above slab level shall be commenced unless and until a Sustainable Energy Compliance Statement to demonstrate how sustainability measures will be incorporated into the final construction of the dwellings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how all proposed measures have been incorporated into the proposed dwellings.

No dwellings shall be first occupied until the works within the approved scheme have been completed for each dwelling 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 any relevant 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).

Application No: [W 22 / 0178](#)

Town/Parish Council: Kenilworth
Case Officer: Jonathan Gentry

Registration Date: 15/02/22
Expiry Date: 17/05/22

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Waitrose Foodstore, 51 Bertie Road, Kenilworth, CV8 1JP

Application for variation of Condition 15 for planning permission W/16/0851 (Variation of W/05/2054) to read "Deliveries for the supermarket shall be undertaken between 0600 hours and 2300 hours Mondays to Sundays, and in accordance with the 'Updated Quiet Delivery Procedures –Delivery Management Plan', dated August 2022'. FOR C/O FirstPlan Ltd- Planning Agent

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

RECOMMENDATION

Members are recommended to grant permission for the reasons outlined in this report.

DETAILS OF THE DEVELOPMENT

This application is made under section 73 of the Town and Country Planning Act 1990.

In deciding an application under Section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application – it is not a complete re-consideration of the application (PPG Paragraph 031 Reference ID: 21a-031-20140306). In this case the applicant is seeking a variation to the wording of condition 2, relating to approved drawings, through the use of a Section 73 application.

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Planning permission is sought to vary condition 15 of planning permission W/16/0851, which reads: *The use of the service area for the supermarket shall be limited to 07:00 hours to 23:00 weekdays and Saturdays and 08:00 to 21:00 hours Sundays.* W/16/0851 itself forms an approved variation to the original consent W/05/2054 delivery hours condition, which read: *The use of the service area for the supermarket shall be limited to 07:00 hours to 21:30 hours weekdays and Saturdays and 09:00 hours to 18:30 hours Sundays.*

The condition is proposed to be varied to: *Deliveries for the supermarket shall be undertaken between 06:00 hours and 23:00 hours Mondays to Sundays, and in accordance with the 'Updated Quiet Delivery Procedures –Delivery Management Plan', dated November 2021.*

As such, the proposed variation would further expand the accepted use period of the store's service area. Following Officer feedback during the course of the application the proposed Quiet Delivery Procedures - Delivery Service Management Plan has been revised to limit use of the area as follows:

- HGV delivery hours: 0700-2300 Mon to Sun within rear service area.
- Home van delivery hours : 0600-2300 Mon to Sun, allowing for up to 2no. home delivery vans loading at the front of the store between 0600-0800 Mon to Sun only, with remainder of home van deliveries to take place within rear service area.

Justification for the proposed variation is centred upon increased demand for home delivery services in light of the Covid-19 pandemic and ongoing stress upon logistics and distribution networks.

The application is accompanied by a supporting statement, 2no. noise impact assessments relating to HGV deliveries and home delivery vans respectively, and an updated delivery management plan outlining quiet delivery procedures.

THE SITE AND ITS LOCATION

The application site relates to a Waitrose store and ancillary car park/loading areas located on the western side of Bertie Road and south of Station Road with pedestrian access to the store through Talisman Square. The site falls within Kenilworth Town Centre and is surrounded by a mix of commercial and residential properties.

RELEVANT PLANNING HISTORY

Various relating to the store, the most relevant to this application being:

W/05/2054 - Erection of a convenience goods store; refurbishment/extension of part of Talisman Square Shopping Centre for retail/residential, car parking & access - Granted

W/16/0851 - Variation of condition 15 imposed under W/05/2054 to read: "The use of the service area for the supermarket shall be limited to 07:00 hours to 23:00 weekdays and Saturdays and 08:00 to 21:00 hours Sundays." – Granted

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TCP1 - Protecting and Enhancing the Town Centres
- TC2 - Directing Retail Development

Kenilworth Neighbourhood Plan (2017-2019)

- KP8 -Traffic
- KP13 - General Design Principles

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Members object to the proposed variation of condition stating that Condition 15 of W/16/0851 was set to protect the amenity of the area and remains justified as stated.

WDC Environmental Health - Initial objection to proposed HGV delivery provision between the hours of 06:00 and 07:00 Monday to Sunday on the basis of identified amenity impact to nearby residential noise receptors. No objection to hours as revised to exclude HGV deliveries between 06:00-07:00.

Public Response - Five objection comments received, citing the following concerns:

- There is a lack of evidence justifying the requirement for expanded home delivery operations
- The proposed revision will impact on local residents in terms of noise, light pollution and extra traffic.
- Extension to operating hours is not in keeping with providing a quiet atmosphere in the town centre
- Proposal will result in further noise and traffic to Bertie Road at unacceptable hours including before 7am.

ASSESSMENT

Residential Amenity

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents.

Given that the proposed revision relates only to hours of operation and no physical development or alterations to the site form part of the scheme, the matter of residential amenity forms the primary material consideration.

There is no restriction upon store opening hours, however planning permission W/05/2054 restricted the delivery hours to between 07:00 and 21:30 each weekday and Saturday and 09:00 to 18:30 on Sundays, with the reason to protect the amenity of the area. This was expanded to between 07:00 and 21:30 hours weekdays and Saturdays and 09:00 hours to 18:30 hours Sundays under W/16/0851.

Two associated conditions were also imposed to the original consent. Condition 16 states that all vehicle reversing alarms and refrigeration plant to lorries shall be switched off when in the service yard and condition 29 requires all HGV's to be routed via the District Council's Abbey End car park with no HGV's approaching the site via Station Road or Bertie Road. These conditions were retained under W/16/0851 and will remain in effect under this scheme.

In support of W/16/0851 the applicant produced a Delivery Management Plan (DMP) that goes beyond the requirements imposed under condition 16 stating the following:

The DMP has been prepared in the context of the known operational conditions at the store and seeks to further reduce noise breakout from the service yard through the implementation of a quiet delivery strategy as part of the delivery management regime.

The DMP has been further updated under the current submission. A range of operational procedures designed to minimise potential noise generation from loading/unloading and vehicle manoeuvring have been set out. HGV Deliveries are to be limited to the rear service area, while 2no. home delivery vans would be permitted to undertake loading to the frontage customer parking area (outside of trading hours).

The Council's Environmental Health Officer (EHO) was consulted to provide a detailed review of the noise assessment reports submitted in support of the application. Initially, the EHO raised objection to the proposed revision, noting the following:

Delivery noise impact assessment

The applicant has submitted a report prepared by Environmental Equipment Corporation (EEC) Ltd (Ref. EEC/EC18451-7, Ver. 2, dated 28th October 2021). The noise report identifies that early HGV deliveries in the service yard could result in significant adverse noise impacts to residential receptors at Sexton House when assessed in accordance with BS4142:2014+A1:2019 (+15db above the existing background sound level between 06:00 and

07:00, and +13dB above the existing background sound level between 07:00 and 08:00). The report suggests, however, that the store has already been receiving similar early morning deliveries since April 2020 without complaints regarding noise and that the subjective impact may not be significantly adverse as predicted. Having reviewed our records, we can confirm that noise complaints have not been made to the local authority regarding delivery noise during these earlier hours. We would caveat this by highlighting that BS4142 says that not all adverse impacts will lead to complaints and not every complaint is proof of an adverse impact. The same principle would also apply in reverse i.e. the absence of complaints does not necessarily mean that adverse noise impacts are not occurring.

Given that the BS4142:2014+A1:2019 assessment and comparison to BS8233:2014 guidelines indicate that adverse noise impacts are likely to occur for residential receptors at Sexton House, we must **object** to this aspect of the proposed amendment. It may be possible to overcome this objection if the assessor is able to demonstrate that the typical HGV delivery noise measured on-site is lower than the library data used for the noise assessment and thus the noise impacts at residential receptors are lower too. This would need to be demonstrated in an updated noise assessment/model.

Home delivery vans

The applicant has submitted an assessment report prepared by Environmental Equipment Corporation (EEC) Ltd (Ref. EEC/EC18451-6, Ver. 2, dated 28th October 2021). This assessment report considers the potential noise impacts from the extension of delivery hours on Sunday evenings in the rear service yard and the introduction of home delivery van loading at the front of the premises in the early morning. ~ The applicant has also provided a revised delivery management plan which has been updated to reflect the proposed delivery hours and incorporates the control measures and assumptions highlighted in the submitted report. Subject to the implementation of the delivery management plan, we would have no objections to this aspect of the variation.

A technical note was subsequently submitted with view to addressing the queries of the EHO, particularly in relation to early morning HGV deliveries. Following further discussions with the applicant's noise consultant additional comments were issued by the EHO, ultimately retaining objection:

We have reviewed the technical note and still have concerns about the extended HGV delivery hours. The supermarket already benefits from relatively generous delivery hours on Mondays to Saturdays (07:00 to 23:00) and Sundays (08:00 to 21:00). The technical note highlights that noise levels would be below BS8233 guidelines if residents have their windows closed. Unfortunately this places the onus on existing residents to mitigate the impacts during what would still be considered night time hours and is not something that the applicant can guarantee will happen. The technical note also suggests that there may already be a level of tolerance to existing noise sources affecting the closest residential dwellings who are

already exposed to service yard noise during other periods. It is possible that this tolerance may be tested should service yard activities begin earlier than 07:00 as this would have a higher possibility for sleep disturbance. The technical note says that the Sexton House dwellings are also directly above other commercial units that may generate noise so residents may already have modified their behaviours regarding extraneous noise. The commercial units in question are largely daytime-based retail and café units so the potential for noise disturbance during sleeping hours is reduced. Additionally we do not feel that adding to a potentially existing adverse noise impact would be a reasonable approach.

Our concern in this instance is the impact between 06:00 and 07:00am, and the potential for sleep disturbance. In our opinion, the noise from HGV deliveries and associated activity in the service yard will be clearly noticeable during these hours. Given that significant adverse noise impacts are predicted to occur (in accordance with BS4142) and the potential need for existing residents to keep windows closed to mitigate these impacts means that we would not be able to remove our objection to this aspect of the planning application.

In light of the retained objection, the proposed updated Delivery Management Plan has been revised to contain HGV delivery hours to between 07:00-23:00 Mon to Sun within the rear service area. This revision has thus addressed the issued objection of the EHO which related specifically to the identified amenity impact of HGV deliveries to the site between the hours of 06:00-07:00.

Officers note and appreciate concerns raised by neighbours and members of the public in relation to the proposed extension to delivery hours, alongside the matters raised by Kenilworth Town Council in the received objection response. The further incremental expansion of permitted hours of delivery and associated potential amenity implication does require detailed consideration. However, it is noted that the only element of the proposal that drew the objection of the EHO relates to HGV deliveries between the hours of 06:00 and 07:00 which have now been precluded through submission of an updated DMP. As a result, Officers consider that the provisions of the updated DMP provide appropriate mitigation to potential amenity disturbance arising from the extended hours of operation through both limiting the frequency of deliveries and establishing a range of measures designed to minimise the noise generation potential of the operations taking place.

In view of this position, it is therefore considered that the variation of condition is acceptable and given the safeguards outlined, including previous conditions (16 and 29) and updated DMP, the changes are unlikely to create a disturbance so significant as to warrant refusal of the application. The development is therefore viewed to align with Local Plan Policy BE3.

Highways

The proposed revisions set out in the proposed scheme would comprise an alteration to accepted delivery/loading hours within the superstore. The widened

delivery/loading provision would not result in any appreciable intensification of traffic level into and out of the site.

No physical alterations or changes to HGV vehicle routing are proposed, with relevant highway related conditions attached to permission W/16/0851 therefore remaining in place including conditions 9, 20, 23, 25, and 28.

As a result, the proposed development is viewed acceptable in terms of highways impact and access, according with Local Plan Policies TR1 and TR2.

Assessment of previously imposed conditions

Relevant associated conditions 16 and 29 relating to operational procedures within the service area and HGV routing shall be retained on the varied consent, as follows:

16. In order to ensure that noise levels from service vehicles does not cause disturbance, the following measures shall be implemented:

- a) All vehicle reversing alarms shall be switched off when in service area ,*
- b) All refrigeration plant to lorry trailers shall be switched off when in service area.*

REASON :To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.

29. All HGV's accessing or egressing the site, whether service or delivery vehicles, shall be routed via the District Council's Abbey End car park and the direct access to the proposed development from the public highway Station Road. REASON : In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan.

The original planning consent for the site under W/05/2054 has been implemented in full and all relevant conditions relating to the original planning application have been discharged as necessary. Where conditions include ongoing restrictions these will be repeated on any variation of conditions permission to be granted under the current application.

Additional conditions to secure compliance with the updated DMP shall also be included for the avoidance of doubt

SUMMARY/CONCLUSION

The original planning permission was granted under application reference W/16/0851. The policies and material considerations that are relevant to that decision are set out in the associated officer report.

The variation of condition 15, comprising revised delivery hours and loading/unloading arrangements is considered to be acceptable. There are no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. Officers therefore consider that the

development remains in accordance with the relevant provisions of the Development Plan and should be granted.

CONDITIONS (including all relevant conditions from the original grant of planning permission)

- 6 The fume extraction system details approved under condition 6 of permission no W/05/2054 shall be retained at all times. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy BE3 of the Warwick District Local Plan.
- 7 The noise attenuation measures carried out to external plant as approved under condition 7 of planning permission no. W/05/2054 shall be retained at all times. **REASON** :To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.
- 8 The noise mitigation measures approved under condition 8 of planning permission no. W/05/2054 shall be retained at all times. **REASON** :To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.
- 9 The gates to the lower car park shall be kept closed until half an hour before the store opens and shall be closed again one hour after the store has closed. **REASON** :To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.
- 11 The foul and surface water drainage measures approved under condition 11 of planning permission no. W/05/2054 shall be retained at all times. **REASON** : To ensure that proper provision is made, in accordance with policy FW2 of the Warwick District Local Plan.
- 14 No lighting shall be fixed to the external walls or roof of the building hereby permitted, without the written consent of the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.
- 15 The use of the service area for the supermarket shall be limited to between 06.00 hours and 23.00 hours Monday to Sunday. **REASON** :To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.
- 16 In order to ensure that noise levels from service vehicles does not cause disturbance, the following measures shall be implemented:

- a) All vehicle reversing alarms shall be switched off when in service area ,
- b) All refrigeration plant to lorry trailers shall be switched off when in service area.

REASON :To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.

- 17 Screen walls erected in accordance with detailed plans approved under planning application W/05/2054 shall be maintained in the positions shown unless otherwise agreed in writing by the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.

- 20 No more than one vehicular access shall be made to the site from Station Road, Warwick Road or Bertie Road. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy BE3 of the Warwick District Local Plan.

- 23 The gradient of the vehicular accesses into the site shall not be steeper at any point than 1 in 20 for a distance of 30m into the site, as measured from the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan.

- 25 Obstructions, including gates and barriers, shall not be placed within the vehicular accesses to the site. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan.

- 28 The site shall not be used for the purposes hereby permitted unless there is available vehicular turning spaces within the site so that all vehicles are able to enter and leave the public highway in a forward gear. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan.

- 29 All HGV's accessing or egressing the site, whether service or delivery vehicles, shall be routed via the District Council's Abbey End car park and the direct access to the proposed development from the public highway Station Road. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan.

- 34 Notwithstanding the Town and Country Planning (Use Classes) Order, 1987 (or any order revoking and re-enacting that Order, with or without modification) the supermarket shall be used for the sale of food or other convenience goods, notwithstanding the ancillary use of up to 15% of the net floor area for the sale of other goods. **REASON** : To protect the

viability and vitality of the town centre, in accordance with Warwick District Local Plan Policy TC3.

- 35 The shared access from Warwick Road is for access to the residential parking. This route shall be physically separated from the Service Area so as not to encourage through traffic. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan.
- 39 The Green Travel Plan approved in accordance with details submitted under planning application W/05/2054 shall remain in place. **REASON :** To promote sustainable travel choices for staff in accordance with Warwick District Local Plan Policy TR2.
- 40 Deliveries to and from the supermarket shall be undertaken in strict accordance with the 'Updated Quiet Delivery Procedures –Delivery Management Plan', dated August 2022. **REASON:** To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.
- 41 No HGV deliveries shall take place before 07.00 hours or after 23.00 hours Monday to Sunday. **REASON :**To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.
- 42 With the exception of the loading of 2 home delivery vans at the front of the store only between 06.00 hours and 08.00 hours, no loading of home delivery vans shall be permitted before 06.00 hours or after 23.00 Monday to Sunday. **REASON:** To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.
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Application No: [W 22 / 0623](#)

Town/Parish Council: Leamington Spa
Case Officer: Rebecca Compton

Registration Date: 08/04/22
Expiry Date: 03/06/22

01926 456544 rebecca.compton@warwickdc.gov.uk

32-34 Clarendon Street, Leamington Spa, CV32 4PG

Proposed remodel/reconfiguration of existing single storey entrance, fenestration alterations, replacement front boundary railings & rear external terrace balustrading. FOR Housestyle Countrywide Ltd

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

RECOMMENDATION

Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The proposal seeks alterations to modernize the Clarendon Street elevations comprising new modern cladding to the ground floor and render. To the rear the proposal seeks to replace an existing ground floor window with a larger window and to the second floor the proposal includes new obscure glass balustrading to the existing terrace area.

The proposals also show painting to all existing UPVC windows to the front and rear of the site to grey, these works do not require planning permission and have therefore not been assessed.

THE SITE AND ITS LOCATION

The application site relates to an existing 3 storey modern building situated on the western side of Clarendon Street, Leamington Spa, towards the junction with Willes Road. The site has previously been in use as an office building and benefits from permission for a change of use to residential. The site is situated within a Conservation Area.

PLANNING HISTORY

W/22/0057 - Prior approval under Class MA for proposed change of use from commercial services (Use Class E) to 9no. apartments (1 x 3 bed, 3 x 2 bed and 5 x 1 bed) (Use Class C3) as shown on drawings 02d, 03b and 04 submitted on 14th January 2022 - **Granted 28.03.2022**

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No comments.

WDC Conservation: No objection.

WDC Waste Management: No objection.

Public response: 8 objection comments have been received on the following grounds:

- Conversion works are being undertaken outside hours of work permitted by WDC
- Overlooking and loss of privacy caused to neighbouring properties
- Existing fire escape installed in breach of planning permission
- The properties are being marketed with rear roof terrace prior to obtaining permission
- Additional noise caused by roof terrace
- Original application stated that external appearance would not be changed but a number of copper pipes have been installed
- Addition of flats will increase public disturbance

ASSESSMENT

Design and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 195 of the NPPF states that

where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

Neighbourhood Plan policy RLS3 requires developments within or that directly affect a Conservation Area to be of a design that is sympathetic to the local context including designated heritage assets.

The proposals seek alterations to the front elevation of the building to provide a more modern finish to an existing modern building. The proposal seeks to apply render to entire front elevation, the majority of the existing building is rendered to the front and to render the entire front elevation is considered in keeping with the existing building and the immediate street scene.

The proposal also includes alteration to the front entrance comprising metal cladding to the ground floor, officers consider the cladding acceptable in design terms and would provide a modern appearance to the frontage. Externally to the front of the site, the proposal seeks to provide replacement metal railings adjacent to the public footpath. The site currently benefits from metal railings in this location and the replacement railings are of a comparable height and design which would not cause harm to the character and appearance of the street scene.

To the rear, the proposal seeks to replace an existing ground floor window with a larger window, the proposed window has been designed to match the existing fenestration in terms of size and design and would not appear out of place to the rear elevation. To the second floor the proposals include glass balustrading to the existing rear terrace, officers are satisfied that the glass balustrading would not have a harmful impact on the character and appearance of the property and the wider Conservation Area. It should also be noted that the Council's Conservation Team have raised no objection to the proposals.

As originally proposed, the scheme did include the provision of a bin store and boundary wall to the front of the site adjacent to the public highway, officers considered this to be out of keeping with the street scene which is predominantly characterised by low boundary walls and railings. Therefore, this element of the scheme has been omitted.

As the site is within a Conservation Area it is considered appropriate to request sample materials of the proposed modern framing to the front entrance to ensure the finish is of a high quality design, these will be secured via condition. Subject to conditions, Officers are satisfied that the proposals will not result in harm to

character and appearance of the street scene nor the Conservation Area, the proposal therefore complies with Local Plan policies BE1, HE1 and Neighbourhood Plan Policy RLS3.

The impact on the living conditions of the occupiers of the neighbouring properties

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The proposed external alterations to the Clarendon Street (front) elevation do not involve increasing the size of the existing built form and therefore there are no concerns over loss of light or outlook to any nearby properties. In addition the rear ground floor window would not afford any views across to neighbouring residential properties and is considered acceptable.

The proposal would introduce glass balustrading the existing second floor terrace area. The site currently benefits from second floor access onto the existing flat roof however officers are mindful that in granting permission for glass balustrading this would enable a more meaningful use of this space for future occupiers which could have an impact on the amenity of nearby residential properties.

Officers are also aware of a number of objections that have been received from local residents raising concerns over loss of privacy as a result of the rear terrace. The proposal does seek to provide 1.8m obscure glazing to the rear and sides of the terrace to avoid overlooking to nearby neighbouring properties, in particular the properties to the rear of the site along Alveston Place that are set at a lower level to the terrace and benefit from private balcony areas.

Subject to a condition requiring a suitable level of obscurity for the glazing and to secure the glazing in perpetuity, officers are satisfied the balustrading would be sufficient to not cause a negative impact on the amenities of neighbouring residential properties.

The proposal is therefore considered to comply with Local Plan policy BE3.

Conclusion

The proposal has been sensitively designed to compliment the surrounding buildings and the Conservation Area whilst not causing harm to the amenity of neighbouring residential buildings.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 02g, 03g, 04g, and specification contained therein, submitted on 08th April 2022 and 12th July 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 Prior to the occupation of the development hereby permitted, the glazed balustrading to the north, west and south elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view. The glazed balustrading shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
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