

A meeting of the above Committee will be held remotely on Tuesday 16 June 2020, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Boad (Chairman)

Councillor Morris (Vice Chairman)

Councillor M Ashford

Councillor V Leigh-Hunt

Councillor R Dickson

Councillor N Murphy

Councillor T Heath

Councillor N Tangri

Councillor O Jacques

Councillor J Weber

Councillor J Kennedy

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. Minutes

To confirm the minutes of the meeting held on 26 May 2020

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Part B – Planning Applications

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

4. **W/20/0210 – 16 Princes Drive, Edmonscote, Royal Leamington Spa** (Pages 1 to 6)
5. **W/20/0263 – 23 Regent Grove, Royal Leamington Spa** (Pages 1 to 6)

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 <https://estates7.warwickdc.gov.uk/PlanningSpeaking/> 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.

Published Monday 8 June 2020

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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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prior to the meeting, by telephoning (01926)
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Planning Committee

Minutes of the remote meeting held on Tuesday 26 May 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillors Ashford, Boad, R. Dickson, Heath, Jacques, Kennedy, Leigh-Hunt, Morris, Murphy, Tangri and Weber

Also Present: Civic & Committee Services Manager – Mrs Tuckwell; Democratic Services Manager & Deputy Monitoring Officer – Mr Leach; Committee Services Officer – Mr Edwards; Legal Advisor – Mrs Gutteridge; and Development Services Manager – Mr Fisher

1. Apologies and Substitutes

- (a) There were no apologies made; and
- (b) There were no substitutes.

2. Appointment of Chairman

It was proposed by Councillor Morris and seconded by Councillor Weber that Councillor Boad be appointed Chairman of Planning Committee.

Resolved that Councillor Boad be elected Chairman of Warwick District Council's Planning Committee for the municipal year 2020/21.

3. Appointment of Vice-Chairman

It was proposed by Councillor Heath and seconded by Councillor Ashford that Councillor Morris be appointed Vice-Chairman of Planning Committee.

Resolved that Councillor Morris be elected Vice-Chairman of Warwick District Council's Planning Committee for the municipal year 2020/21.

4. Declarations of Interest

There were no declarations of interest.

5. Minutes

The minutes of the meeting held on 3 and 4 March 2020 were taken as read and signed by the Chairman as a correct record.

6. W/20/0210 - 16 Princes Drive, Edmondscote, Royal Leamington Spa

The application was withdrawn from the agenda by the Head of Development Services to allow for further publicity to be undertaken.

(The meeting ended at 6.07pm)

CHAIRMAN
17 June 2020

Application No: [W 20 / 0210](#)

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

Registration Date: 07/02/20
Expiry Date: 03/04/20

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16 Princes Drive, Edmondscote, Leamington Spa, CV32 6AF
Change of use from dwelling (use class C3) to a 4 bed HMO (use class C4)
(retrospective application). FOR Mr. Rajesh Punj

This application is being presented to committee as the proposal does not comply with Local Plan policy H6 and officers are recommending approval.

RECOMMENDATION

Committee are recommended to grant planning permission subject to the conditions listed.

DETAILS OF THE DEVELOPMENT

The application seeks retrospective permission for a change of use from a single dwelling (use class C3) to a 4 bedroomed House in Multiple Occupation (HMO) (use class C4). The application as originally submitted sought permission for a 5 bedroomed HMO, this has since been amended to 4 bedrooms following concerns from officers regarding living conditions for future occupiers and parking.

The HMO calculation has been amended to include additional HMO's within Warwickshire College that were not previously identified.

THE SITE AND ITS LOCATION

The application site is a two storey, semi-detached residential dwelling located to the northern end of Princes Drive, Leamington Spa. The site benefits from driveway parking that is accessed off Princes Drive.

There is an Article 4 Direction which covers the whole of Leamington Spa which prohibits changes of use of residential dwellings (C3) to small Houses in Multiple Occupation (HMO) (C4) without obtaining planning permission. The Article 4 Direction was put in place and Policy H6 was adopted on the basis of evidence which demonstrates that the concentration levels of HMO's within an area contribute to adverse impacts including noise and disturbance, social cohesion and litter.

PLANNING HISTORY

None.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design
- BE3 - Amenity
- H6 - Houses in Multiple Occupation and Student Accommodation
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WCC Highways: No objection.

WDC Waste Management: No objection.

WDC Private Sector Housing: No objection.

Public response: 38 letters of objection have been received raising the following concerns:

- the proposal does not comply with Local Plan policy H6;
- there will be a negative impact on the immediate and wider area;
- the potential for a precedent to be set for other HMO's in the wider area; the accuracy of the HMO calculation.

ASSESSMENT

Principle of Development

Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area

Policy H6 of the Local Plan states that planning permission will only be granted for Houses in Multiple Occupation (HMOs) where: -

- a). the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b). the application site is within 400 metres walking distance of a bus stop;

- c). the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
- d). the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e). adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Assessment:

- a). Within a 100 metre radius there are 24 existing HMOs out of 75 residential units. The existing concentration level is at 32%. The addition of one further HMO would increase the breach of the 10% limit of HMOs within a 100 metre radius to 33%.
- b). The nearest bus stop is located along Princes Drive which is within 400 metres walking distance of the property.
- c). The existing property does not sandwich a non-HMO between another HMO.
- d). It does not lead to a continuous frontage of HMOs.
- e). The proposal would retain the existing waste and recycling storage arrangements to the rear of the property. The containers would be stored in an area not accessible by the general public and the bins would be moved outside on collection day.

Local Plan Policy H6 goes on to state that exceptions to a) may be made where the application site is located on a main thoroughfare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking) and where the application site is located on a campus. The proposal does not meet these exceptions.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The high concentration of HMO's within a 100 metre radius of this site are as a result of the student halls contained within Warwickshire College which is located approximately 60m from the residential properties along Princes Drive.

There is a clear physical barrier of a railway embankment and railway line separating Princes Drive and Warwickshire College. Policy H6 seeks to restrict the over concentration of HMOs in residential areas as they could be harmful to the neighbouring resident's amenity in terms of noise, anti-social behaviour etc. Officers consider that in this particular case, the physical barrier between Princes Drive and the college campus would mitigate the impacts commonly associated with HMO's to Princes Drive and the surrounding estate. Whilst the number of HMO's in the college campus are greater than initially identified, the physical barrier between the campus and the application site is considered sufficient so as not to compromise the amenity of residential properties along Princes Drive and the adjoining streets. As such, the existing HMO's within the campus have been afforded reduced weight.

It is considered that the activity associated with the student halls would be experienced more along Warwick New Road rather than Princes Drive and the

surrounding estate. Officers have taken into consideration that the student halls are within walking distance of the town centre and would anticipate activity and footfall to be directed in an easterly direction towards the town centre rather than westerly towards the application site that is in a predominantly residential area. Warwick New Road is a main thoroughfare and experiences high levels of pedestrian foot fall and vehicular traffic, therefore it is considered that an additional HMO on the Princes Drive estate would not lead to a detrimental impact to the properties located along Warwick New Road. Officers also note that Warwickshire College is included as part of an exemption under Policy H6 and so additional HMO's may be permitted on the campus which would increase activity and footfall along Warwick New Road.

Officers have therefore assessed the impact of the proposed HMO on the residential areas surrounding the application site that would be most impacted by the development being Princes Drive and its adjoining streets. The proposal would result in one HMO within the residential area surrounding the application site. Officers are satisfied that the proposal for one HMO within this residential area would not lead to an over concentration of HMOs at the localised level nor would it present a harmful impact to the amenity of the neighbouring properties in terms of noise, anti-social behaviour and other associated issues arising from a high concentration of HMOs in a particular area. It is noted that additional HMO's lie outside of the 100m radius. The ratio of residential properties to HMO's within the 100m radius of the site excluding the Warwickshire College site would be 2%.

Whilst the proposal does not comply with Local Plan policy H6, officers consider that the location of the existing HMOs within 100m radius of the site are a material planning consideration in the determination of the application. The existing HMOs are student halls contained within the campus of Warwickshire College and are situated approximately 60m from the residential area of Princes Drive that the application sits within. Officers also anticipate that the activity and footfall associated with student halls would be directed towards Leamington Spa town centre and so away from the residential properties along Princes Drive. On balance, officers consider the proposal to be acceptable in policy terms.

Objections from local residents have been received on the basis that the proposal would increase the percentage of HMOs within a 100 metre radius of the site to more than 10%, and therefore that it should be refused. Whilst this concern is noted, officers consider in this particular case the proposal to be acceptable due to the physical barrier between the existing HMOs within the college campus and the residential properties along Princes Drive and surrounding streets.

Impact on neighbouring properties

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 change of use includes no external alterations. The proposal is therefore unlikely to have an impact on neighbouring residential amenity which would warrant reason for refusal of the application.

The proposal has been amended from a 5 bedroomed HMO to a 4 bedroomed HMO at the request of officers to ensure all habitable rooms benefit from appropriate levels of light and outlook. As amended, the HMO would provide appropriate living conditions for the future occupiers.

The proposal is therefore considered to be in accordance with Local Plan Policy BE3.

Parking & Highway Safety

The proposal as originally submitted was for a 5 bedroomed HMO which would be required to provide 3 off road parking spaces. The proposal has been amended from a 5 bedroomed HMO to a 4 bedroomed HMO at the request of officers as the front driveway parking is not of a sufficient size to accommodate 3 off road parking spaces. The existing parking requirement for a 3 bedroomed dwelling is 2 spaces and the requirement for the proposed 4 bed HMO would also be 2 spaces, in accordance with the Council's adopted Parking Standards SPD. The Highways Officer has raised no objection.

The proposal would therefore be in accordance with Policy TR3 of the Local Plan and the adopted Parking Standards SPD.

Other Matters

Private Sector Housing have raised no concerns from a space and facilities perspective such that the proposal complies with the Council's standards in that respect.

The plans show side access to the rear garden where refuse bins can be stored, Waste Management have raised no objection.

Conclusion

The proposed change of use is 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 on parking as a result of the change of use. The proposed change of use is therefore recommended for approval.

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) 2001-3A, and specification contained therein, submitted on 09th April 2020. **REASON** : For the avoidance of doubt

and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 2 The number of bedrooms shall not exceed 4. **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 standards and in the interests of highway safety in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.
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Application No: [W 20 / 0263](#)

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

Registration Date: 14/02/20
Expiry Date: 10/04/20

01926 456544 rebecca.compton@warwickdc.gov.uk

23 Regent Grove, Leamington Spa, CV32 4NN

Application for a change of use from shop (use class A1) and restaurant (use class A3) to an office (use class B1a) with external alterations to include a new front entrance door. FOR Lasalle Investment Management

This application is being presented to Committee as the proposal is a departure from the Development Plan and is recommended for approval.

RECOMMENDATION

Planning Committee are recommended to authorise the Head of Development Services in consultation with the Chair of Planning Committee to grant planning permission subject to the conditions listed following:-

- (i) the expiry of the statutory press notice on 20 June, and subject to
- (ii) no new material planning issues having been raised by the end of the publicity period.

Should new material issues have been raised, the application will be brought back for further consideration by Planning Committee.

DETAILS OF THE DEVELOPMENT

The proposal seeks a change of use of two ground floor units from a shop (use class A1) and restaurant (use class A3) to an office (use class B1a). External alterations include a new door to replace an existing window to the front elevation.

THE SITE AND ITS LOCATION

The application site consists of two ground floor units, one a shop and the other a restaurant that both front onto Regent Grove, within Leamington Spa Town Centre. The site is situated within the retail area of the town centre and is also situated in a Conservation Area. The site is located on the periphery of the secondary retail area. There are limited retail shops along the frontage with the majority of premises operating as estate agents (Use class A2) or restaurants (Use class A3) such that the retail character/presence is relatively limited. The site does not benefit from off street parking however bay parking is available along Regent Grove.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TCP1 - Protecting and Enhancing the Town Centres
- TC3 - Providing for Shopping Growth in Leamington Town Centre
- TC7 - Secondary Retail Areas
- EC1 - Directing New Employment Development

Guidance Documents

- Parking Standards (Supplementary Planning Document)

Neighbourhood Plan

- Royal Leamington Spa Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

Public response: 5 letters of support on the basis that the proposal would bring a vacant site back into use, would help local economy and local employment opportunities.

ASSESSMENT

Principle of development

Policy TC3 states that changes of use from uses within Use Class A1, A2, A3, A4, A5 to other uses outside of Use Class A will not be permitted within town centre retail areas except within Secondary Retail Areas where changes of use to hotels (Use Class C1) and assembly and leisure (Use Class D2) will be permitted subject to the restrictions within Policy TC7.

Policy TC7 states that the changes of use from A1 to other uses within Use Class A and hotels (C1) and assembly and leisure (D2) will be permitted provided that:

- No more than 50% of the street frontage would result in a non-A1 use; and
- The proposal would not contribute to creating a continuous non-A1 frontage of more than 16 metres.

The proposal would result in a change of use from use classes A1 and A3 to a use outside of Use Class A and so does not comply with policy TC3. In terms of restrictions under policy TC7, at the time of the site visit, over 50% of the street frontage was in non-A1 use and the proposal would also contribute to creating a continuous non-A1 frontage in excess of 16 metres. The proposal does not meet the restrictions under Policy TC7.

The supporting text of Policy TC7 states that these requirements may be set aside where it can be demonstrated that the site has been vacant and actively and appropriately marketed for over 12 months. It goes on to state the Council would expect such uses to include an active frontage.

The A1 unit has been vacant since June 2019. Officers are satisfied that the site has been effectively and appropriately marketed since then however, not for a period of 12 months as required under Policy TC7. The proposal seeks a change of use to office use which is not considered to have an active frontage and would not support the retail character of Regent Grove which the policy seeks. The existing A3 unit has been vacant since March 2019.

The proposal would result in the loss of an A1 use in a secondary retail area within Leamington Spa Town Centre. Policy TC7 of the Warwick District Local Plan provides flexibility for changes from retail units that have been vacant for long periods of time to other uses that benefit from active frontages such as C1 and D2 and thus support the predominantly retail character of the area. The proposed use would not benefit from an active frontage and so would not support the retail character of the area to the extent that it exists.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Whilst the proposed change of use would not comply with Local Plan Policy TC7, the change of use is intended to provide studio space for one of the UK's leading independent gaming developers. Leamington Town is well known for being host to a number of gaming developers and is often referred to as 'Silicon Spa', which is echoed in the emerging Royal Leamington Spa Neighbourhood Plan. The overarching policy PC0 recognises the digital industries as a key contributor to the economic growth of the District.

The site is located in a highly sustainable location within the town centre which is well connected in terms of public transport links and close to the town's emerging Creative Quarter regeneration project of the Old Town which seeks to create an attractive environment and new spaces for the creative industries. The site is located on the periphery of the secondary retail area and is located next to the Town Centre Employment Area which contains a number of gaming development companies within walking distance of the application site. The

applicant has put forward a strong case for the particular requirements the application site would deliver in terms of its size and location and in particular that its close proximity to other gaming developers would support the established gaming industry within the town. This site would support the gaming industry within Leamington and would support the Council's vision for Leamington as a hub for the creative industries including through the emerging Creative Quarter.

Being situated on the edge of the retail area and located opposite a key employment area, Regent Grove does not benefit from high levels of retail footfall that are experienced in other secondary retail areas within the town centre. The site is also positioned to the rear of the successful Café Quarter. Officers are aware that A1 and A3 uses along Regent Grove have struggled in recent years to attract tenants owing to the lack of retail footfall in this area. In particular no.31 and no.33-39 Regent Grove have both been vacant for long periods of time owing to the lack of interest for retail uses in this area. Buildings in the street scene that are vacant for long periods of time diminish the attractiveness of this area and the town.

Policy EC1 of the Warwick District Local Plan directs new office uses to the town centre. Other potential policy compliant locations within the town centre have been fully explored but have been deemed unsuitable in terms of size and/or location, of which evidence has been provided. Officers are satisfied that other potential locations within the town have been fully explored but are not suitable in this particular case. The proposed office space would support 60 - 70 employees which is a very significant benefit of the proposal in terms of providing a range of employment opportunities within the town centre and would support the local economy.

Officers consider that this a unique opportunity to accommodate a large gaming development company in a highly sustainable location within the town centre that would be beneficial to the established gaming industry within Leamington, support the emerging cultural quarter proposals; provide employment opportunities and would support the local economy. The principle of an office use within the town centre is acceptable, whilst the proposal would introduce a non-shopping use into a retail area, the site is located on the periphery of the retail area and is in close proximity to the employment area of the town centre. On balance, the location of the site and the benefits associated with this proposal are considered to outweigh the potential impacts on the retail function of Regent Grove and the wider town centre.

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.

The proposal does involve changes to the external appearance of the building by introducing a secondary door in place of an existing window to the front elevation, however the proposed external alterations are not considered to be harmful to the character of the Conservation Area and officers also note that the building is of a modern design and the changes are in keeping with the modern appearance of the building. The proposal will also bring back into use two vacant properties which would enhance the street scene of Regent Grove. The Conservation Officer has raised no objections to the proposal.

The proposal is considered to comply with policy HE1 and BE1.

Parking

The existing A1 use is required to provide 1 parking space per 14 sqm which equates to 26 spaces, whilst the A3 use is required to provide 1 parking space per 20 sqm which equates to 15 spaces. In total the two units are currently required to provide 41 parking spaces. The proposed office use would be required to provide 1 parking space per 20 sqm which equates to 33 spaces in total. The site as existing does not benefit from any off street parking, however, as the proposed use would reduce the requirement for parking and is located in the highly sustainable town centre, officers are satisfied the proposal would not present a negative impact on public highway safety.

The proposal would comply with policy TR3.

Conclusion

Whilst in principle the proposed change of use would represent a departure from the Local Plan, the site currently remains vacant and is positioned on the edge of the retail area that does not benefit from high retail footfall. The proposal presents significant benefits by providing employment in the town centre, supporting the established gaming industry within Leamington Spa and bringing a vacant site back into use. In addition, office uses are appropriate within the town centre and

in the particular circumstances here, the benefits of the proposal as outlined above are considered to outweigh the loss of the retail use in this particular case.

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) 1002, and specification contained therein, submitted on 14th February 2020. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
