

Planning Committee

Wednesday 4 November 2020

A meeting of the above Committee will be held remotely on Wednesday 4 November 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 R Dickson
Councillor T Heath
Councillor O Jacques
Councillor J Kennedy

Councillor V Leigh-Hunt
Councillor N Murphy
Councillor N Tangri
Councillor J Weber

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**

(a) To confirm the minutes of the meeting held on 6 October 2020.

(Pages 1 to 31)

(b) To confirm the minutes of the meeting held on 7 October 2020.

(Pages 1 to 7)

Part B – Planning Applications

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

5. **W/20/0878 - Lower Heathcote, Local Centre, Vickers Way, Harbury Lane, Warwick**

Major Application

(Pages 1 to 26)

6. ****WITHDRAWN FOLLOWING PUBLICATION OF THE AGENDA****

W/20/0999 - Land on the South side of Hob Lane, Hob Lane, Kenilworth (WITHDRAWN)

7. **W/20/1220 - 33 Fairlawn Close, Royal Leamington Spa (Pages 1 to 5)**

Part C – Other matters

8. **Appeals Report (Pages 1 to 10)**

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.
- (c) 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.

General Enquiries: Please contact Warwick District Council, Riverside House,
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Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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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our website on the [Committees page](#)

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prior to the meeting, by telephoning (01926)
456114

Planning Committee

Minutes of the remote meeting held on Tuesday 6 October 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Grey, Heath, Jacques, Kennedy, Leigh-Hunt, Morris, Tangri and Weber.

Also Present: Principal Committee Services Officer – Mrs Dury; Democratic Services Manager & Deputy Monitoring Officer – Mr Leach, Legal Advisor – Mrs Gutteridge; Business Manager – Development Management – Mr Sahota, Principal Planning Officers – Mr Charles and Mrs Hammond.

44. **Apologies and Substitutes**

(a) There were no apologies made.

(b) Councillor Grey substituted for Councillor Murphy.

45. **Declarations of Interest**

Minute Number 52 – W/20/1037 – St Mary's Lands, Warwick

Councillor Ashford declared an interest just before this item was started because **he was a Member of St Mary's Lands Working Party** and had been involved in certain discussions pertinent to the application. He then left the meeting.

46. **Site Visits**

There were no site visits made.

47. **Minutes**

The minutes of the meeting held on 9 September 2020 were taken as read and signed by the Chairman as a correct record.

48. **W/19/1200 – Land at SouthCrest Farm, Crewe Lane, Kenilworth**

The Committee considered an outline application from Gleeson Strategic Land for the demolition of an existing dwelling house and outbuildings; the residential development of up to 99 dwellings, including the creation of a new vehicular access, open space, landscaping and surface water attenuation.

The application was presented to Committee because of the number of objections including an objection from Kenilworth Town Council.

The officer was of the opinion that the application was allocated within the Local Plan as part of the Education Allocation ED2, which was also washed over by allocation H40 for residential development.

PLANNING COMMITTEE MINUTES (Continued)

On the basis that it was confirmed that the land was surplus to education requirements, the scheme was acceptable to bring forward for residential development as part of H40.

When taken into consideration with the scheme for 620 dwellings across the remaining H40 allocation, the proposed number of dwellings would exceed the overall allocation of 640 dwellings by 79 units, which equated to approximately 12% above the overall allocation.

The applicant had demonstrated that the site was capable of accommodating a high quality scheme at that level which was acceptable in overall terms, including in respect of the integration of built development within the surrounding landscape and the site provided additional benefits in securing appropriate linkages with the adjacent sites to provide a comprehensive development across the overall allocation.

For the above reasons, officers recommended that outline planning permission should be granted subject to the conditions listed in the report and the signing of a Section 106 Agreement.

An addendum circulated at the meeting advised that the newly released figures stated that as of April 2020, the Council could demonstrate a 5.58-year housing land supply.

The addendum also stated in full the updated wording for the recommendation for the application.

Highways England maintained a holding response until 8 October for additional information regarding drainage matters. Highways England had also advised that it was to revise this response because progress had been made on resolving the outstanding drainage matter, and would be providing a condition imposition, which could be concluded through delegated authority, as per the revised recommendation in the addendum.

The following people addressed the Committee:

- Mr Jones, representing Kenilworth Town Council, which had objected to the application; and
- Mr Griffin, speaking in support.

(At 6.35pm, a fault on the YouTube livestream meant that the meeting had to be paused for five minutes until the fault was rectified.)

Members wished to ensure that there was a net gain in biodiversity on the site, so this was to be conditioned in consent, should this be given.

In response to a question from a Member, the Planning Officer suggested that a note to the applicant be issued for details on speed limit reductions and when these would come into effect on roads and whether anything could be done to bring these speed limit reductions forward. This could be examined before any decision on the application was issued. It was suggested that the 30mph limit should be a priority for consideration by the County Council Highways Department and it may be prudent to consider the speed limit reduction prior to commencement of construction works. It

PLANNING COMMITTEE MINUTES (Continued)

was also noted that works at the School, which had an access point on the same road, would, in all likelihood, commence before this application, and this might precipitate the reduction in the speed limit.

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 Grey that the application should be granted.

The Committee therefore

Resolved that W/19/1200 be **granted** subject to receipt of confirmation that the purchase of the school land has been completed to the satisfaction of the Local Planning Authority and Warwickshire County Council Education Services, which would confirm that the application site is therefore surplus to educational requirements. Permission is granted, subject to the conditions listed below and an additional condition regarding drainage (final wording to be confirmed by Highways England) and a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in the report.

Delegated authority is given to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 Agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test and finalise the wording of proposed conditions.

Delegated authority is given to officers to issue the decision following confirmation, in consultation with Warwickshire County Council Education Services, that the application site is surplus to educational requirements and following the receipt of further guidance from Highways England regarding the imposition of an additional condition concerning drainage.

Should a satisfactory Section 106 Agreement not have been completed within three months of the date of decision, delegated authority is given to the Head of Development Services to refuse planning permission on grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

Conditions:

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
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(1)	Reserved Matters
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details of the appearance, landscaping, layout and scale 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.

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

(4)	In Accordance with Plans
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the development hereby permitted shall be carried out strictly in accordance with the site location plan and the development area as detailed on the Parameters Plan reference 1824_060 Revision p2 received by the Local Planning Authority on 9 July 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;

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(5)	Site Levels/Finished Floor Levels

no development other than site clearance and preparation works shall take place until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and immediate adjoining land 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;

(6)	Construction Environmental Management Plan (CEMP)
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the development hereby permitted shall not commence on any phase of development until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for that phase of development. The CEMP shall be compliant with the British Standard on Biodiversity BS 42020: 2013 published in August 2013. In discharging this condition, the Local Planning Authority expect to see details concerning pre-commencement checks and monitoring for protected and notable species, and habitats as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site should be included. The CEMP shall include a timetable for the implementation of measures stated. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

and Policies NE2 and NE3 of the Warwick District Local Plan;

- (7) no part of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan shall also include details of tree and hedgerow retention; habitat enhancement/creation measures and management, such as ponds, wildflower grasslands; and the provision of habitat for protected species. The LEMP shall also include details on soil management to make best use of the high quality soils on site - detailed guidance to inform this matter is available in Defra 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'. Such approved measures shall thereafter be implemented in full.

Reason: To protect, enhance and/or restore habitat biodiversity in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029;

- (8) **Protected Species Contingency Plan**

no development hereby permitted shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following measures:

- a. Further bat roosting surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, have been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
- b. A pre-commencement badger survey carried out by a suitably qualified badger consultant and has been

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

submitted to and approved in writing by the Local Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

- c. Details on safeguarding great crested newts during construction and post development to include details of a development licence and appropriate mitigation strategy.

The approved mitigation plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029;

- (9) the development hereby permitted shall not commence until a detailed schedule of great crested newt mitigation measures (to include timing of works, protection measures, enhancement details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029;

- (10) **Construction Management Plan**

no development (including any works of demolition) hereby permitted shall commence until a construction method statement for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and Environmental Health. Thereafter, the approved statement shall be strictly adhered to throughout the construction period. The submitted statement shall provide for:

- A construction phasing plan
- An HGV routing plan
- Any temporary measures required to manage traffic during construction

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Details of all site compound areas including parking for construction workers
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise and vibration assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228: 2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of **all temporary contractor's buildings**
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays
- Delivery vehicles should not be allowed to arrive on site between 7:30am and 9:15am and 4.30pm and 6:00pm Mon – Fri
- How the construction will be managed to minimise the cumulative impacts on the highway network as a result of the construction of the site and HS2
- A strategy to manage and maintain any construction materials from

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

entering or silting up the local ditch network

- Details to prevent silt or chemicals leaving the phase being constructed

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of development in each phase and maintained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority.

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

(11) Low Emission Strategy

no development shall commence unless and until a Low Emission Strategy 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) Site Wide Drainage Strategy

no development shall take place until a comprehensive site-wide surface water drainage strategy, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	accordance with 'The SuDS Manual', CIRIA Report C753.
	<ul style="list-style-type: none">• Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 50% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of a total of 83.2 l/s for the site.• Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.• Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.• Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.• Provide evidence of liaison with Highways England, regarding the discharge upstream and clearance of their asset, to ensure it is in a suitable condition to convey flow from the development.

Reason: To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(13)	Details of Surface Water and Foul Drainage

prior to the commencement of the development, details of surface water and foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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 Policy FW2 of the Warwick District Local Plan 2011-2029;

(14)	Tree Protection Scheme
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no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with BS5837: 2012 Trees in Relation to Design, Demolition and Construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: To protect trees and other features on site during construction in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(15)	Assessment of Landscape Features

notwithstanding the details within the submitted Arboricultural Assessment, prior to the submission of any reserved matters relating to layout, a report demonstrating how the proposed scheme has sought to retain as many existing hedgerows and trees within the site shall be submitted to and approved in writing by the Local Planning Authority. Where any features are to be removed, a rationale shall be provided to demonstrate that all alternative options have been considered. Thereafter, the layout shall be submitted in accordance with the approved details unless otherwise agreed in writing.

Reason: To retain existing landscape features 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 and NE4 of the Warwick District Local Plan 2011-2029;

(16)	Details of External Lighting
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no development shall take place under any relevant phase of development until a detailed scheme for all external lighting has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the Local Planning Authority expects due consideration to be given to biodiversity, visual amenity and residential amenity.

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 and that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029;

(17) Sustainability Statement

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 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;
- b. Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c. How proposals will de-carbonise major development;
- d. Details of the building envelope (including U/R values and air tightness);
- e. How the proposed materials respond in terms of embodied carbon;
- f. Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g. How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

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 manufacturer's specifications.

No further development phases shall be inhibited from shared heating/cooling systems unless otherwise agreed in writing by the Local Planning Authority.

No.

Condition

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);

(18) Noise Mitigation Measures

prior to the submission of any reserved matters relating to layout, a scheme of mitigation including detailed arrangements to protect residents of the development from excessive noise from Glasshouse Lane traffic and the proposed playing fields and playground areas of the school (pursuant to planning permission W/19/0655), entering habitable rooms and the provision of quiet garden areas shielded from noise from both the existing road network and new roads within the site shall be submitted to and approved in writing by the Local Planning Authority.

The scheme should ensure that proposed measures whilst acoustically effective are designed to minimise visual impacts. It shall include full details of the design, siting and appearance of acoustic fencing or alternative measures that may be required.

Thereafter a Noise Mitigation Compliance Statement shall be submitted as part of the reserved matters submission for the residential development to demonstrate how the mitigation measure have been incorporated into the layout and design of the dwellings.

All dwellings shall be constructed in accordance with the approved details. The scheme for mitigating traffic noise shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity and any approved mitigation measures shall be implemented in accordance with the approved programme.

Reason: To protect residents of the development from the adverse effects of noise from within and outside the development in accordance with Policies BE3

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	& NE5 of the Warwick District Local Plan 2011-2029;

(19) **Design Code**

notwithstanding details contained within the approved documents, prior to the submission of reserved matters for the development hereby approved, a Site Wide Design Code to include;

- a. A statement setting out how the design code adheres to the Development Principles in the Land East of Kenilworth Development Brief and where there is any deviation robust justification for this
- b. Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- c. Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- d. Building types;
- e. Building heights;
- f. The means to accommodate the parking of vehicles and cycles;
- g. Sustainable Urban Drainage features;
- h. Key spaces, open spaces and green features;
- i. Architectural language and detailing;
- j. A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention)
- k. Design principles for street tree planting and other structural planting landscaping areas;
- l. Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;
- m. Design principles on waste disposal and recycling;
- n. Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

- o. Design principles for street lighting and any other lighting to public space (including parking areas);
- p. The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250;
- q. A mechanism for periodic review and refinement if necessary, of the approved Design Code;
- r. Evaluation of site-wide District Heating.

Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Design Code shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029;

(20) Ground Investigations and Mitigation to be Submitted (Pre- Commencement)

notwithstanding details submitted as part of this application, prior to commencement of development ground investigations shall be undertaken in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority which shall include:

- a) A site investigation that has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the 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

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

groundwater and surface waters associated on and off site that may be affected

- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

b) The site investigation shall be undertaken in accordance with details approved by the planning authority and a risk assessment shall be undertaken;

c) 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 planning authority. The method statement shall include details of how the remediation works will be validated upon completion; and

d) Programme of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details.

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

(21) Contamination not Previously Discovered (Compliance)

notwithstanding details contained within the approved documents, if during development, contamination not previously identified, is found to be present at the site;

a) No further development shall take place within that area of Reserved Matters Consent (unless otherwise agreed in writing with the planning authority for an addendum to the method statement);

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

- b) This addendum to the method statement must detail how this contamination shall be dealt with; and
- c) Programme of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details.

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

(22) Verification of Remediation to be Submitted

notwithstanding details contained within the approved documents, in the event that any phase of future development requires land remediation agreed through an approved method statement;

- a) Upon completion of the remediation 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; and
- b) A post remediation sampling and monitoring which 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.

Shall be submitted to and approved in writing by the Local Planning Authority.

Any mitigating/monitoring works shall be carried out in accordance with the approved details.

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

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(23)	Water Efficiency

notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme demonstrating how a water efficiency standard of 110 litres per person per day (or higher where appropriate) will be achieved giving consideration 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;

(24)	Provision of Access
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should access and local highway works have been implemented in pursuance of planning permission W/19/0655, the access to the development hereby permitted from Glasshouse Lane shall be carried out in accordance with plan reference ITB6145-GA-014 received on 12 September 2019 including footway and cycle works unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority. The approved access to Glasshouse Lane shall be completed in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site.

Should no works have been implemented in pursuance of planning permission W/19/0655, the access to the development hereby permitted from Glasshouse Lane shall be carried out in accordance with plan reference ITB6145-GA-009 Rev F received on 17 December 2019 including footway and cycle works unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

Authority. The approved access to Glasshouse Lane shall be completed in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site.

Reason: In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings and that crossing points are provided for all highway users including pedestrians and cyclists in a timely manner having regard to Policies TR1 and BE3 of the Warwick District Local Plan 2011-2029;

(25) Details of Materials

no development shall be carried out above slab level unless and until a schedule of the external facing materials has 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;

(26) Provision of Hydrants

no development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire-fighting purposes 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.

Reason: In the interest of fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(27)	Surface Water Systems Maintenance Plan

no occupation and subsequent use of the development shall take place until a detailed maintenance plan is submitted to and approved in writing by the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the Local Planning Authority within the maintenance plan. The approved detailed maintenance plan shall thereafter be implemented in full prior to first occupation of the development.

Reason: To ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029;

(28)	Landscape Replacement Planting
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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, with the exception of tree(s), hedge(s) and shrub(s) planting, within the first planting season following the first occupation of dwellings within that phase and within the first planting season following the first occupation of the new school, and the tree(s), hedge(s) and shrub(s) shall be planted within six months of that first occupation. Any tree(s), hedge(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.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

(29) **Retention of Existing Trees/Hedges**

the existing tree(s), hedge(s) and shrub(s) indicated to be retained on the submitted plans contained within the Arboricultural Impact Assessment (Update) reference edp3089_r003f February 2019 received by the Local Planning Authority on 12 March 2019, shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the Local Planning Authority. Any tree(s), hedge(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, 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 with tree(s), hedge(s) and shrub(s) of such size and species details of which must be submitted to and approved by the Local Planning Authority. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

Reason: To protect those trees and shrubs 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 NE4 of the Warwick District Local Plan 2011-2029;

(30) **Housing Mix**

the mix of type and size of market and affordable dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the Housing Mix Supplementary Planning Document or the most up to date version of the Strategic Housing Market Assessment (should this post-date the SPD) at the point of submission unless an alternative strategy is agreed in writing by the Local Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | Reason: To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF; |
| (31) | Open Space Provision

any Reserved Matters submission pursuant to layout shall demonstrate that the site meets or exceeds all Open Space typologies as set out within the Open Space Supplementary Planning Document.

Reason: To ensure an acceptable form of development for future occupiers in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (32) | Pedestrian and Cycle Links

the reserved matters to be submitted pursuant to condition 1 shall include full details of how the development will ensure pedestrian and cycle connectivity both within the site and to adjoining land parcels and land uses including the remainder of the Land East of Kenilworth area.

Reason: In the interests of encouraging sustainable modes of travel in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029; |
| (33) | 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 permitted changes contained therein shall be enacted within the development hereby permitted. For the avoidance of doubt this shall include changes from C3 dwellinghouse to C4 Houses in Multiple Occupation.

Reason: To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (34) | 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 gate, fence, wall or other means of enclosure shall be erected within the curtilage of any dwellinghouse fronting a highway or footpath |

Reason: That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties;

- (35) a condition on biodiversity; and
- (36) a note to the applicant on speed limits.

(Councillor Ashford arrived during the presentation, so did not participate in the discussions or the vote.)

49. W/20/0884 – Post Office, 97 Shrewley Common, Shrewley

The Committee considered an application from Mr Singh for the erection of a two storey rear extension to provide a first floor addition to the ground floor shop.

The application was presented to Committee because five letters of support had been received, Shrewley Parish Council supported the application, but the recommendation was to refuse permission.

The officer was of the opinion that the proposed development would represent a disproportionate addition to the application property which therefore meant that the proposal constituted inappropriate development in the Green Belt, which was harmful by definition. It would also be harmful by reason of harm to openness. There were considered to be no very special circumstances which would outweigh the harm identified.

The following people addressed the Committee:

- Councillor Wesbury, representing Shrewley Parish Council, which supported the application; and
- Mr Jowitt, who spoke in support.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Weber that the application should be refused.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/20/0884 be **refused** for the following reason:

No.	Refusal Reason
(1)	<p>in the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.</p> <p>The proposed development is therefore contrary to the National Planning Policy Framework and to Policies DS18 and H14 of the Warwick District Local Plan 2011-2029.</p>

50. **W/20/1055 – Hobournes, Upper Spring Lane, Kenilworth**

The Committee considered an application from Mr Frisby for the construction of two detached dwellings and ancillary site works.

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

The officer was of the opinion that the proposed development represented the provision of two dwellings, with adequate parking and amenity within a sustainable location. The development was considered to have an acceptable impact on neighbouring residential amenity and was considered to preserve the character of the Conservation Area. Subject to the conditions listed in the report, the development would have an acceptable impact on highway safety and would not result in an unacceptable loss of biodiversity or trees of amenity value. The development was therefore recommended for approval.

The following people addressed the Committee:

- Councillor Coker, representing Kenilworth Town Council which objected to the proposals; and
- Mr Hornbrook, who spoke in objection.

It was noted that the application was in a Conservation Area and that the **Council's own Conservation Officer had raised concerns that should not be overlooked** in this instance.

(At 7.50pm, the meeting was adjourned to start a new YouTube livestream. It recommenced at 8.08pm.)

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Ashford that the application should be refused. Councillor Morris had cited policies H1 and HE2 as reasons for refusal, but upon receipt of advice from the Business Manager - Development Management, amended

PLANNING COMMITTEE MINUTES (Continued)

this to policies H1 and HE1. He advised that HE2 was more concerned with the demolition of the Conservation Area.

The Committee therefore

Resolved that W/20/1055 be **refused** because it contravenes policies H1 and HE1.

51. **W/19/0816 – Coplow Wood, Sherbourne Hill, Sherbourne**

The Committee considered an application from Mr Salisbury for a change of use of land and siting of eight glamping pods, with associated works and car parking.

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

The officer was of the opinion that the principle of development was considered acceptable in accordance with Policy CT5 of the Warwick District Local Plan 2011-2029. There would be no visual harm resulting from the development and more importantly, no harm caused to the area of woodland in which the site was located or wider landscape setting. The proposed timber pods themselves were considered to be appropriate to the site and context and their construction method was deemed appropriate in order to minimise any physical harm to the trees and woodland setting, subject to a condition requiring further details in respect of construction and access. Officers were satisfied there would be no harm to neighbouring amenity nor would there be any harmful impacts on future users of the site as a result of noise. There would be no detriment to highway safety; the access was considered safe and suitable in the proposed location and the appropriate amount of parking was proposed. Subject to a condition, there were no concerns in respect of biodiversity and drainage and flood risk matters were considered acceptable. For the above reasons, it was recommended that planning permission should be approved.

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

The Committee therefore

Resolved that W/19/0816 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);

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 drawing 002 and specification contained therein, submitted on 16 May 2019 and approved drawing 001C, 006, 007 and BDS-08-18 Rev.C and specification contained therein, submitted on 15 January 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;

- | | |
|-----|--|
| (3) | no part of the development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include description of features to be managed, aims and objectives of management, prescriptions of management actions and a work schedule capable of being rolled forward over a repeating five-year period. Such approved measures shall thereafter be implemented in full. |
|-----|--|

Reason: To ensure a net biodiversity gain in accordance with Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029 and the NPPF;

- | | |
|-----|--|
| (4) | notwithstanding the details submitted as part of the application, no part of the development hereby permitted shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall provide for the access and construction details for the pods, including (but not necessarily limited to) method of delivery, method of construction and details of any felling that may be associated with the creation of a glade to the front of each pod. The development hereby permitted shall only proceed in strict accordance with the approved CMS. |
|-----|--|

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (5) | no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until a scheme for the protection of all existing trees has been submitted to and approved in writing by the Local Planning Authority and thereafter, the development shall be carried out in strict accordance with such approved measures which 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 protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). |

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- | | |
|-----|---|
| (6) | the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). |
|-----|---|

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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 NE4 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) prepared by Willis & Co and dated July 2019.

Reason: To prevent the increased risk of flooding in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

- (8) 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 firefighting 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.

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;

- (9) the use of the site for glamping purposes hereby permitted shall be limited to up to and including 8 pitches at any one time, in accordance with approved drawing BDS-08-18 Rev.C.

Reason: In the interests of protecting a site of local importance for biodiversity and protecting the landscape character in accordance with Policies NE2 & NE4 of the Warwick District Local Plan 2011-2029; and

- (10) a note to the applicant to ensure suitable lighting from the car park to the pods in keeping with the surrounding area.

(Councillors Ashford and Jacques left the meeting.)

PLANNING COMMITTEE MINUTES (Continued)

52. W/20/1037 – St Mary's Lands

The Committee considered an application from Warwick District Council to create four wetland scrapes.

The application was presented to Committee it was a Warwick District Council application.

The officer was of the opinion that the application would help create a wetland habitat that would increase biodiversity in the area and was viewed as a positive addition to the area. As such, it was recommended that planning permission should be granted.

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

The Committee therefore

Resolved that W/20/1037 be **granted** subject to the following conditions:

No.	Condition
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- | | |
|-----|---|
| (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) PLI-C8-GF-DR-L-0140 PL02, PL1-C8-GF-DR-L-0110 PL02 and PL1-C8-GF-DR-L-0141 PL01, and specification contained therein, submitted on 28/07/2020 and PLI-C8-GF-DR-L-0100 PL02 and specification contained therein, submitted on 07/09/2020 |
|-----|---|

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; and

- | | |
|-----|---|
| (3) | none of the excavated material shall be deposited on any land that falls within Flood Zones 2 or 3. |
|-----|---|

Reason: To ensure that the development does not increase flood risk, in accordance with Policy FW1 of the Warwick District Local Plan.

PLANNING COMMITTEE MINUTES (Continued)

(The meeting ended at 8.52pm)

CHAIRMAN
4 November 2020

Planning Committee

Minutes of the remote meeting held on Wednesday 7 October 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Grey, Heath, Jacques, Kennedy, Leigh-Hunt, Morris, Tangri and Weber.

Also Present: Committee Services Officer – Mr Edwards; Civic and Committee Services Manager – Patricia Tuckwell (observing only); Legal Advisor – Mrs Amphlett; Development Services Manager – Mr Fisher; and Senior Planning Officer – Mr Sahota.

The Development Services Manager explained to Members that the following application had been withdrawn from the agenda:

Item 7 – W/20/1004 – 8 Avon Road, Kenilworth. This had been withdrawn from the agenda by officers because Kenilworth Town Council had confirmed on the 5 October that it wished to withdraw its objection, in light of the changes made to the application, which it considered to have overcome its concerns. The application was therefore withdrawn from the agenda and the decision would be issued under delegated powers.

53. **Apologies and Substitutes**

(a) There were no apologies made.

(b) Councillor Grey substituted for Councillor Murphy.

54. **Declarations of Interest**

There were no declarations of interest.

55. **Site Visits**

There were no organised site visits made.

56. **W/20/0668 – Old Beams, Lapworth Street, Bushwood, Lowsonford**

The Committee considered an application from Mr Jinks for the erection of a new dwelling.

The application was presented to Committee because of the number of objections, including an objection from Lowsonford Parish Council.

Officers considered the proposed development against the policies of the Warwick Local Plan. Having assessed the site specific details of the proposal, Officers were satisfied that the scheme complied with Policy H11 of the Warwick Location Plan, specifically criterion (c), which sought to ensure that the site would not harm the integrity of the village where its loss would have a harmful impact upon the local character and distinctiveness of the area.

PLANNING COMMITTEE MINUTES (Continued)

The objections received were duly noted and acted upon. As amended, it was considered that, on balance, the proposal was acceptable, having regard to the impact on the character of the local area and the Lowsonford Conservation Area, the impact on the setting of nearby Listed Buildings, the impact on the amenity of neighbouring properties, and the impact on highway safety. Officers were also satisfied that the scheme would not result in harm to protected species.

An addendum circulated at the meeting advised Members of an additional response received from Rowington Parish Council, which had been circulated to Members. It felt that the officer's report was potentially misleading, lacking in transparency, and wrong on a number of important facts. It also failed to understand the recommendation to grant, in the face of such overwhelming objections. It was concerned that formal objections from Warwick District **Council's Principal Conservation Officer and the Landscape Team** at Warwickshire County Council were omitted from the report. There was no published record of ongoing negotiations between officers and the applicant as referred to in the report.

Rowington Parish Council had concerns that officers had not assessed the scheme as submitted and considered by Rowington Parish Council and other bodies, but rather had entered into negotiations with the applicant. There were references to consultees being satisfied with the revised proposals, however there were no published record of these revised opinions, nor was there an opportunity for statutory consultees to comment on the revised proposals. It also had concerns that the gap between the two existing buildings was approximately 20 metres, the width of the previously approved design was just over six metres, and the width of the footprint of the revised design was approximately 11 metres. This was almost double the previously approved building width. It felt that the net effect of this proposal would destroy a visual gap of approximately 20m and remove *"an open aspect through the site that is an important element of the wider setting of the listed building"*.

It was also stated that the Principal Conservation objected to the scheme. Rowington Parish Council also had concerns that there was no mention of **this highly relevant and important objection in the officer's report, and had concerns that the officer's report** did not accurately summarise comments from Warwickshire County Council Landscape, which was a formal objection.

The addendum also stated the response from officers to the concerns raised by Rowington Parish Council. Officers explained that the applicants were advised of the recommendation to refuse the original submission and sought to engage with officers to seek a scheme that overcame the issues raised. This was normal practice, and the Government encouraged Local Planning Authorities to actively engage with applicants. This had resulted in discussions with the agent, officers, and the Conservation Officer whereby a revised scheme was considered to reduce the overall width of the proposed dwelling, to increase the visual gap together with the omission of a previously proposed garage to the site frontage. The scheme as revised, reduced a side wing nearest to Old Beams, and provided dormer windows set into the roof slope, and the dormer on the side facing the Bank House was omitted from the scheme. The result of this would reduce the visual

PLANNING COMMITTEE MINUTES (Continued)

bulk and increase the gap at the first floor level. The elements of increased width were single storey elements only, with the main element (the garden room) set to the very rear of the building.

The following people addressed the Committee:

- Councillor Henderson, representing Rowington Parish Council, which had objected to the application; and
- Mr Jinks, speaking in support.

Members raised concerns with regards to information from the Conservation Officer, who had initially objected to the application. This objection had subsequently been removed by the Conservation Officer, but had not been circulated to Members through the Planning Portal, which was the primary source of information for Members before the Planning Committee. As this was an important piece of information for debating this item, Members felt unable to debate the application until a written statement from the Conservation Officer was received and seen by the Committee.

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

The Committee therefore

Resolved that W/20/0688 be deferred so that Members could receive further information from the Conservation Officer on the final proposal before Planning Committee.

57. W/20/0260 – Orchard House, Old Warwick Road, Lapworth

The Committee considered an application from Mr Lynch for the erection of part single storey and part two storey rear extension and erection of a front porch together with alterations to fenestration and facing materials.

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

In the officer's considered opinion, the proposed development suitably aligned with the relevant guidance and policy considerations. On the basis of this, it was recommended that the proposal should be approved.

An addendum circulated prior to the meeting advised Members that following the submission of site photographs, Warwickshire County Council Ecological Services had confirmed that their recommendation was the same as for the previous application, W/19/1771, and they recommended that notes relating to bats and nesting birds, as protected species, were attached to any approval granted.

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

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/20/0260 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); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on the 6th February 2020, approved drawing '19/002/JN' submitted on the 5th March 2020, 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 occupation of the development hereby permitted, the western facing, first floor window within the rear extension 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; and |
| (4) | with the exception of the proposed render, all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029. |

PLANNING COMMITTEE MINUTES (Continued)

58. W/20/0486 - 49 St Michael's Road, Saltisford, Warwick

The Committee considered an application from Ms Letts for the demolition of an outbuilding and the erection of a single storey rear extension.

The application was presented to Committee because the property was owned by Warwick District Council.

The officer was of the opinion that the demolition of the detached garage did not require planning permission, and therefore this aspect of the proposal would not be assessed in the application.

The proposed rear extension was of a modest size and design, which would not be visible from the street scene, and it was therefore considered that the proposed extension would be acceptable in design terms and would comply with Policy BE1.

The proposed rear extension would breach a 45-degree sightline taken from **the nearest window in the rear elevation of 47 St Michael's Road. However**, the existing garage along that boundary already breached the 45-degree line. The point at which the proposed extension projected further to the rear was some distance from the affected window. Furthermore, there would only be a limited increase in the eaves height compared with the existing structure. Therefore, it was considered that the proposal would not result in a material loss of light or loss of outlook compared with the existing situation.

There was no conflict with the 45-degree line in relation to the other neighbour at **51 St Michael's Road. Members, in the Extended Delegated Decisions Meeting on 23 July 2020**, requested that the applicant committed to replacing the boundary wall in the location of the garage, which was proposed to be removed. It was considered necessary to impose this replacement boundary treatment as a condition of the approval, in order to ensure the development had an acceptable impact on the privacy of the neighbours, which could be ensured through properly securing the boundaries.

Based on this, it was considered that the proposal would not have an unacceptable impact on the neighbouring properties, in terms of loss of light or outlook and having regard to Policy BE3.

The Flood Risk Assessment which accompanied the application, set out that the proposed development would be designed to be flood resilient. This could be secured by condition. Furthermore, the Local Lead Flood Authority was satisfied with the information provided, and had no objection. It was therefore considered that the development was in accordance with Local Plan Policy FW1.

As the development created an additional bedroom (from three to four), **the Council's Parking Standards SPD would require** three off-street parking spaces, one more than the current requirement.

Having carried out a site visit, it was considered that there was sufficient capacity in the street to accommodate the additional requirement.

PLANNING COMMITTEE MINUTES (Continued)

Furthermore, it was also noted that no objections were received on grounds of parking, therefore, the proposals were in accordance Local Plan Policy TR3. WCC Highways had been consulted following the Extended Delegated Decision meeting on 23 July 2020. The Highways Authority did not object to the proposals and considered that there was sufficient capacity on street to accommodate the additional requirement, without affecting the safety or capacity of the Highway Network.

With regard to the comments of WCC Ecology, it was not considered that a bat survey would be appropriate. This was because the site was situated within an urban area and the existing building had a flat roof which was not ideal for bat roost, and the building could be demolished without the need for planning permission. Bats were protected by other legislation and the decision not to require a bat survey did not take away the applicant's legal requirement to notify Natural England, in the event that bats were found during the course of development. The proposed development was considered to comply with Local Plan Policy NE2.

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

The Committee therefore

Resolved that W/20/0486 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); |
| (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) 20107-002, 20107-003 & 20107-004, and specification contained therein, submitted on 27 Mar 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; |
| (3) | the development hereby permitted shall not be occupied unless and until a boundary wall or fence has been constructed in the position of the existing garage in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality and to protect |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | the privacy of adjacent residents, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029; |
| (4) | all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029; and |
| (5) | the development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) dated April 2020 and in particular the following mitigation measures detailed within the FRA: <ul style="list-style-type: none">• Finished floor levels are set no lower than existing floor level of the dwelling.• Flood resilient measures such as raised socket points, sealed ducts and solid floor finishes.• Resident flood plan. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme. Reason: To protect the development from the risk of flooding, in accordance with Policy FW1 of the Warwick District Local Plan. |

(The meeting ended at 7.03 pm)

CHAIRMAN
4 November 2020

Application No: [W 20 / 0878](#)

Town/Parish Council: Bishops Tachbrook
Case Officer: Lucy Hammond

Registration Date: 15/06/20

Expiry Date: 14/09/20

01926 456534 lucy.hammond@warwickdc.gov.uk

**Lower Heathcote, Local Centre, Vickers Way, Harbury Lane, Warwick,
CV34 6SL**

Construction of a mixed-use local centre, including retail, office, nursery and care uses, supported by public space, landscaping and parking; construction of two new vehicular and pedestrian accesses from Vickers Way; earthworks, ground raising and other ancillary works. FOR LSP Developments Limited & Gallagher Estates Limited

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

RECOMMENDATION

That Members of the Planning Committee grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This is a full planning application, seeking permission for a mixed use local centre which comprises retail uses, an office building, a care home and a children's day nursery, all supported by public space, landscaping and parking, the construction of two new vehicular and pedestrian accesses from Vickers Way and associated works including earthworks and some ground raising.

By way of a summary the proposals include the following buildings (sizes represent gross floor space of each building): -

- Retail (convenience/food store) - 372 sq.m.
- Retail (non-food store) including non-residential institution element - 455 sq.m.
- Children's Day Nursery - 576 sq.m.
- Office building - 2,395 sq.m.
- Residential Care Home - 4,376 sq.m.

For the avoidance of doubt, the retail uses including a non-residential institution element proposed within the local centre previously covered the Use Classes identified as A1-A5 inclusive and D1 but following the change to the Use Classes Order, effective 1st September 2020, all these have been deleted. Use Classes A1-A3 have now been amalgamated into the new Use Class 'E' while A4 (drinking establishments) and A5 (hot food takeaways) are *sui generis* meaning there are no permitted changes to/from these latter classes. Former Class D1 also falls into the new Class 'E' for the type of use envisaged for this local centre

site, such as health centre/clinic (e.g. dentist) or day centre to facilitate a community use.

THE SITE AND ITS LOCATION

The site lies on the south side of Harbury Lane and comprises approximately 1.8 hectares of undeveloped land adjacent to Heathcote Primary School which lies on the eastern side of the site. Vickers Way bounds the west and south boundaries of the application site, while Cox Gardens, an established residential cul-de-sac of approximately 20 units partially interrupts the site towards the southern edge creating a separation between the part of the application site on which the nursery is proposed from the rest of the site on which the other buildings are proposed. The site is cleared, forming part of a wider site which was subject to an outline permission approved in 2014. This is covered in the planning history section below.

The site is in Flood Zone 1, is not within the West Midlands Green Belt, or a conservation area, nor are there any other heritage assets nearby. There are no other relevant landscape designations or planning constraints relevant to the consideration of this application.

PLANNING HISTORY

Of direct relevance to this site are two previous outline permissions covering a much wider site area of which the site subject to this application forms a small part. The two previous outline permissions comprise the original (W/14/0661) and the subsequently varied permission (W/15/1452) which allowed a fabric first approach for the development. The approved scheme was for the development of up to 785 dwellings, three access points (one from Europa Way and two from Harbury Lane) a mixed use community hub/local centre to include retail development and community buildings, a primary school, green infrastructure, open space, allotments, footpaths and cycleways, drainage infrastructure and ground re-modelling.

Since the approval of the outline permission, reserved matters applications have been submitted in two phases, totalling 785 dwellings, though neither are relevant to this application site which, in the outline permission and the approved masterplan was indicated as the location for the delivery of the local centre. Since outline planning permissions are approved subject to a time limit condition, requiring applications for approval of the reserved matters to be made to the local planning authority not later than three years from the date of the decision, or, in this case, the date of the first decision which was 19th September 2014, and since no such application for the approval of reserved matters was forthcoming on the application site within the requisite time period, the outline permission expired. Accordingly, this full planning application for the proposals currently before Members has been submitted.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development

- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- EC1 - Directing New Employment Development
- TC3 - Providing for Shopping Growth in Leamington Town Centre
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS2 - Protecting 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
- FW4 - Water Supply
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Open Space (Supplementary Planning Document - April 2019)
- Warwickshire Landscape Guidelines SPG

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: Objection for the following reason:

- There are concerns the proposal is not in conformity with the plan shown in the planning permission for W/14/0661
- The masterplan for W/14/0661 allocates an area shaded blue for use as a Local Centre but is now proposed to include an office, care home, convenience store and up to 4 other retail shops
- The office block and care home both provide large areas of parking with poor views over parking for care home residents
- There is no facility for any community functions other than the convenience store
- The masterplan for W/14/0661 allocates an area shaded green for public open space but now proposes a nursery on this site
- The site for the nursery is considered too small, close to the road and has insufficient traffic provision which would be dangerous to young children using the site
- The nursery would result in the loss of open space
- The PC questions the need for a care home which should be justified and offices, which is not a community facility; the site has insufficient recreational outdoor space for the number of places stated

Environmental Health: No objection subject to conditions

WCC Highways: No objection subject to conditions and advisory notes

WCC Ecology: No objection subject to conditions and advisory notes

Lead Local Flood Authority: No objection subject to condition

Warwickshire Fire & Rescue: No objection subject to condition

WCC Landscape: No objection

Open Space: No objection

Policy Team: No objection

WCC Infrastructure Team: No comments to make (and no S.106 requests)

Clinical Commissioning Group (Doctor's): No comments to make (and no S.106 requests)

Public Response: 5 letters of objection raising the following concerns:

- Overshadowing from buildings
- Noise from construction
- Loss of privacy
- Increase in traffic/congestion
- Adverse effect on parking problems in local area
- Harmful impact on the character of the area
- Impact on air quality

1 letter of support received though this does not provide material reasons for that support but seeks some points of clarification about the development.

ASSESSMENT

The main issues relevant to the consideration of this application are considered to be:

- Principle of development
- Visual impact / impact on landscape
- Impact on neighbouring / residential amenity
- Environmental health considerations
- Access and parking / highway safety
- Ecological impact and biodiversity
- Landscaping and open space
- Drainage and flooding

Principle of development

There are various elements to the principle of development for this scheme which have been set out under their respective sub-headings below.

Outline permission for the wider site

The outline permission which approved up to 785 dwellings along with a range of other associated developments and works, also permitted a mixed use local centre including retail and community uses. The approved masterplan for the site showed the site which forms the subject of this application (with the exception of the area on which the nursery is proposed) as the location for the local centre and to that end it was anticipated that this would be the location for such a facility. Although no application for reserved matters was ever forthcoming within the time period on this particular part of the site and therefore the outline permission expired, it is still considered that the principle of a local centre in this location is in the spirit of the outline permission and the parameters set out in the approved masterplan.

However, this is a full application which must now be considered on its own merits and to that end, each component part of the development is considered against the relevant part of the Development Plan below.

Provision of retail

The main purpose of redeveloping this site is to form a mixed use local centre, in accordance with the original scope of the outline permission (albeit now expired on this site), the purpose of which is to serve the residents of the surrounding residential developments which have been recently delivered within the Lower Heathcote area. In terms of the retail offer, there are two elements; the standalone convenience store and in addition, 4no. ancillary retail units comprising three of equal size plus one larger unit, where one might be more of a community use.

Policy TC2 of the Warwick District Local Plan requires new retail development to be directed towards town centres, within the retail areas, as a first preference. The sequential test approach is applied, requiring sites on the edge of retail areas to be considered next, and if no suitable sites are available in any of the preferred locations, out of centre sites will be considered.

Notwithstanding the above provisions, Policy DS11 is also relevant as this relates to allocated housing sites. H02, of which this site forms a part, is referred to in DS11 insofar as it is allocated for housing development ***and associated infrastructure and uses***. Part of the identified infrastructure requirements and other uses include a local centre and other community facilities. A local centre will, by definition, include a retail offer which is envisaged to benefit the surrounding residents of the development it serves; in this case the Lower Heathcote development which is already well established along Harbury Lane. The provision of a local centre therefore accords with Policy DS11 insofar as it would satisfy the infrastructure requirements for housing allocation H02.

This aside, in applying the provisions of Policy TC2 of the Local Plan, which requires a Retail Impact Assessment for proposals over 500 sq.m. (gross floor space) to accompany any proposal for retail development outside the town centre, the applicants have included such supporting information within their Planning Statement because the proposed development collectively comprises 827 sq.m. (gross floor space) of retail.

This sets out that the purpose of the inclusion of a local centre on this site was to ensure that the day to day retail needs of new residents could be met in a sustainable manner and accordingly, the extent of the retail development **proposed is therefore intentionally limited to only meet those localised 'top-up' retail needs; for example, 'express' or local style retail store, while the other** units might be occupied by smaller units such as independent retailers, for example, hair/health and beauty, hot food takeaway, coffee shop, estate agent, dentist/health use.

As such it should be clear that the local centre is not proposed, or intended to serve as a destination retail centre, nor is it likely to draw customers from beyond the proposed housing allocations south of Leamington Spa. Accordingly, officers are satisfied that the retail element of the proposals would have no impact on the vitality and viability, including local consumer choice and trade in the town centre and therefore the proposals accord with Policies DS11 and TC2 of the Local Plan.

Provision of care home

The proposed care home would provide 75no. single occupancy en-suite bedrooms and is designed to be flexible in terms of the layout of accommodation provided, in order to meet the needs of all aspects of elderly care provision including both nursing and personal care of residents with varying dependency levels. This is a residential care home in the typical sense, without any element of assisted living units incorporated into the development and to that end, the two relevant policies of the Local Plan are H1 and H5. H1 states that new housing will be permitted within the Urban Areas, which this site is within, so in this regard, the provision of a new care home is considered acceptable.

Policy H5 relates to specialist housing for older people and permits such schemes where:

- a) the site is in close proximity to shops, amenities and public transport. This will not normally be within the open countryside or within the boundaries of Limited Infill Villages (as set out in Policy H1); and
- b) it can be demonstrated that satisfactory Primary Health Care services to serve the residents of the development will be available within reasonable proximity; and
- c) the development makes a positive contribution towards meeting the identified need for specialist housing for older people as identified in the latest Strategic Housing Market Assessment and as agreed by Warwickshire County Council (as the provider of Adult Social Care).

In accordance with the above,

- a) if permitted, the site would be immediately adjacent to the approved local centre which would include a food store plus a range of other non-food retail units providing the necessary day to day services and amenities and has been purposefully designed and laid out in this way to have an interface with the local centre thus encouraging social interaction between the two facilities. Additionally, the location of the care home is also in very close proximity to public transport links; there is a bus stop 240m walking distance to the west of the site and another 330m east of the site;

- b) there are satisfactory Primary Health Care services within reasonable proximity and while the CCG was consulted on this application, they confirmed in their response that no financial contribution request would be required on this development; and
- c) the development responds positively to an identified need in the SHMA, which provides an indicative assessment of a need for 630 units of specialist housing for older people (sheltered and extra care) per annum. **The applicants' own care homes needs assessment undertaken to inform** their proposals highlighted there is currently a shortfall of 68 market standard care home bed spaces within a typical six mile catchment area of the site, which is set to increase before the anticipated opening date of the care home of 2022. While a formal consultation response has not been forthcoming from the County Council Care & Choice Accommodation Team and thus the above position has not been formally agreed, officers are satisfied that the proposed care home makes a positive contribution towards meeting an identified need for specialist housing for older people as identified in the latest SHMA and as such, accords with the provisions of H5(c).

Provision of nursery

On the area of land to the south of the site, partially separated from the rest of **the site by Cox Gardens, would be the proposed children's day nursery. It is** anticipated this would have capacity to accommodate up to 100 children and its position next to Heathcote Primary School, which is situated on land to the east, is noted.

Policy HS1 provides for healthy, safe and inclusive communities and gives support for proposals that (i) provide good access to local shops, employment opportunities, services, ***schools and community facilities***. The provision of a **children's day nursery falls within the latter part of the italicised text insofar as it** is a community facility and in this instance, would be positioned next to an existing school, as part of a wider local centre facility which is intended to serve the Lower Heathcote community. It is considered that this is a complementary use within the local centre development proposal that would not only benefit the surrounding community but would offer a positive inclusion in terms of its positioning and proximity to the adjacent primary school.

Provision of offices

Following the sale of Gallagher Estates to L&Q in 2017, the business has expanded in terms of additional employment opportunities and employees from other L&Q teams needing to utilise Warwick based premises. The current Gallagher House no longer satisfies the working requirements of the wider L&Q teams who therefore need to move to new premises. Part of this application therefore proposes a new office building, over three floors, which would be **positioned at the site's frontage addressing Harbury Lane, into which L&Q could** re-locate.

Policy EC1 directs new office development (in urban areas) to the town centres first. Outside of town centres, office development will be permitted in accordance with criteria i) and ii) of the policy; where i) is within the employment land allocated in Policy DS9 and, ii) is within established and committed employment

areas in Policy EC3. For the avoidance of doubt, neither of these are applicable in this instance.

A sequential approach is then applied outside of town centres. The policy states that proposals for office development in locations at the edge of the town centres will also be considered if no suitable sites are available in any of the preferred locations above. Thereafter, only if no suitable sites are available in an edge-of-centre location will out-of-centre locations be considered.

The policy only requires an impact assessment to be undertaken for proposals over 2,500 sq.m. Since the proposed office building is less than 2,500 sq.m. an impact assessment is not required to accompany this application.

A sequential assessment has been undertaken in support of this application, which has been fully reviewed and considered by the Planning Policy team. The assessment considers a number of town centre and edge-of-centre sites, which could potentially be suitable for office use, but which were discounted for the proposed use by L&Q for a number of reasons, linked to both operational and logistical requirements for the new premises.

The Policy Team has further confirmed their support for the Local Centre and are satisfied with both the content and rationale of the sequential assessment undertaken as well as the appended information in relation to the town centre and edge-of-centre sites considered.

Moreover, it is considered that the presence of an office building within the local centre will serve to support the vitality and longevity of the retail units throughout the day, with office workers utilising the primary unit for top-up shopping, lunch and other needs, whilst any smaller units that may be present, such as a coffee shop, would also undoubtedly benefit from trade arising directly from within the office building.

Loss of open space

It has been noted in the Parish Council's comments that the area of land on which the nursery is proposed was originally reserved in the masterplan for the wider site as public open space. This is factually correct; the triangular shaped area that makes up the southern parcel of the site, below Cox Gardens, on which the proposed nursery would be located, was originally indicated on the approved masterplan that formed part of the outline permission for the wider H02 allocation of up to 785 dwellings, to be part of the public open space provision.

There are a number of on-site circumstances which have advanced since the outline permission was approved together with several material considerations to be weighed in the planning balance in considering this point, all of which have ultimately been confirmed/supported by the Open Space and Site Delivery Officers. These are set out below: -

- d) All reserved matters permissions pursuant to the outline in relation to the residential development have since been approved and development is either complete and occupied or substantially complete;
- The transfer of public open space (POS) in respect of each of the above two phases of residential development has been completed with the

District Council and this would not have been possible if it did not meet the requisite standards in terms of quantity and appropriate typologies in accordance with the Open Space SPD;

- The site, as a whole, is well served by existing POS and moreover has the benefit of the Country Park which is within walking distance of the site;
- The development proposes the delivery of a local centre which accords with the principles of Policy DS11, which plans **for the District's allocated** housing sites; in this case, Site H02, where a number of residential properties and other infrastructure has been developed but the local centre has not yet been brought forward. These proposals would provide a number of key facilities for the local community, further supporting the presumption in favour of sustainable development; and
- There are no objections to the loss of this small area of open space for development, in the context of the wider site, from the Open Space team.

In view of all the above, the comments of the Parish Council are acknowledged and have been taken into consideration. However officers are satisfied, on balance, that the loss of this small area of open space would not cause sufficient material harm to the amenity of the wider Lower Heathcote development with regard to the provision of public open space to justify a refusal of permission. Moreover, when balanced against the benefits of the proposal, together with the amount of POS serving the wider site, the proximity of the Country Park and the support from the Open Space team, officers are satisfied that the development of this part of the site is acceptable in principle.

Conclusion on the principle of development

Taking into account all of the above; each of the component parts of the development proposals and having regard to the history of the site in relation to the previous outline permission, officers are satisfied that the principle of development is overall considered to be acceptable, in accordance with Policies DS11, TC2, H1, H5, HS1 and EC1 of the Warwick District Local Plan 2011-2029.

Visual impact / character of area

Policy BE1 requires new development to positively contribute to the character and quality of its environment through good layout and design. Such ways through which this can be achieved may include development proposals demonstrating that they (for example) respect surrounding buildings in terms of scale, height, form and massing; adopt appropriate materials and details; and ensure all components, e.g. buildings, landscaping, access routes, parking and open spaces are well-related to each other and provide a safe and attractive environment.

As a complete development, the proposals have been designed to complement one another and are laid out accordingly within the site. The office building is the tallest structure and would front Harbury Lane. Behind it, the care home and **retail centre sit adjacent to one another, separated by a central 'feature square'** which has public amenity value for all users of the site. A primary benefit of this layout is the interface between both the office and retail centre and the care home which facilitates an active frontage during the day when residents of the care home are more likely to be looking through their bedroom windows or

sitting outside and as such will be able to engage with the activity generated by the presence of the retail units and office in their chosen positions.

Although not visually connected in the same way *from within* the site due to the presence of Cox Gardens, the nursery still responds positively to the rest of the development through its position and orientation in the southern corner. Its primary south facing elevation faces outwards onto Vickers Way which wraps **around the site and the proposed 'U-shaped' building would be positioned in the** corner of the plot such that it faces back into the site, towards its proposed amenity area and back towards the rest of the site where there is, again, the potential for children during break time, and residents of the care home who may be looking out of their windows or standing on the proposed first floor terrace, to have some interaction with the nursery, thus promoting a higher level of engagement than if the nursery were closed off from the rest of the development.

The office building is proposed at three storeys high with a hipped roof. It would be constructed of predominantly red brick with some render and with a slate grey tiled roof. The surrounding residential development comprises a mix of red brick and render and two and a half storey dwellings and apartment blocks are not uncommon. The office building on this main road frontage, as proposed, is therefore considered visually acceptable and an appropriate design feature to front the rest of this development.

The care home is the other three storey building within the development, **arranged in an 'L-shape' plan form behind the office. This would be constructed** of the same red brick as the office but would also incorporate a light grey brick as well as render. The nursery and the retail units are all single storey buildings. The nursery would be render with some timber cladding while the retail units would be red brick and the convenience food store would look to use a lighter buff brick. Officers consider this incorporates a good mix of materials across the development, which complements the character of the surrounding area. Subject to a condition requiring samples of the materials to be used ensuring the finished appearance of the development is acceptable, officers are satisfied the development accords with Policy BE1.

Impact on neighbouring / residential amenity

Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. At the same time, the policy also requires development to provide acceptable standards of amenity for all future users and occupiers of the development.

None of the proposed buildings, in a physical sense, would result in material harm to existing residential dwellings by reason of overbearing, loss of light or loss of privacy due to their position and orientation within the application site and furthermore due to the separation distances involved to the nearest existing residential properties, i.e. Cox Gardens to the south and the properties in Vickers Way to the west. It is also worth noting that the nearest proposed buildings to the existing residential dwellings are the single storey buildings that would make up the retail premises and the proposed nursery. The three storey

developments are further away towards the east and north boundaries of the site and as such further away from existing residential development.

In terms of the uses proposed, the nursery, by its nature, is likely to generate **some noise throughout the day, specifically during children's break times and** outdoor activities. Through the submission of additional information in response to the Environmental Health Officer's (EHO) **initial concerns in regard to this** specific element of the proposal, officers are now satisfied that this can be adequately mitigated by conditions, securing both a Noise Management Plan and also details of acoustic fencing and planting to be erected along the western boundary shared with the properties in Cox Gardens.

With respect to the care home, the EHO initially raised some concern about relying solely on mechanical ventilation systems as an adequate mitigation solution against road traffic noise levels on the north and eastern façades of the development. This can compromise internal living environments and while windows could still be opened, residents would then be exposed to levels above recommended guidelines. Additional information has been provided by the applicants on this matter which has been given further consideration by the EHO. This includes an explanation of the fact that residents would have access to quieter amenity spaces throughout the care home including outdoor amenity areas and terraces that largely achieve the upper guideline noise levels.

To ensure that the proposed retail units do not operate at unsociable times, likely to cause noise disturbance to local residents, it is proposed that the opening hours are conditioned, restricting opening and closing times on any given day to between 07:00 and 23:00hrs, as recommended by the EHO. In addition, it has also been agreed with the applicant to remove the use class A4 (drinking establishments) from the proposed retail centre due to the close proximity of these units to existing residential dwellings and the potential impacts in terms of noise and anti-social behaviour that might arise from such a use. Should an A4 use be required in the future, further information would need to be provided to demonstrate that the use of the unit would not give rise to noise disturbance to local residents before the application is determined.

The provision of access to alternative amenity areas is seen as a means under the Planning Practice Guidance for Noise to partially off-set adverse noise impacts. It is also acknowledged that road traffic levels may not be continuously elevated therefore there are likely to be shortened periods of time where windows can be opened without elevated noise levels being experienced. The EHO accepts this may not be an ideal, however, the proposed noise mitigation scheme would achieve an acceptable internal noise environment in accordance with relevant guidelines and accords with the recommendations of Planning Practice Guidance for Noise and therefore has no objection subject to a condition requiring the development to be carried out in accordance with the noise mitigation and ventilation scheme.

Each of the buildings have their own outdoor space; in particular the nursery, care home and office have amenity areas surrounding the building for use by future occupiers/users which are considered acceptable in terms of size, location and privacy, relative to the use of the building.

Having regard to all of the above, officers are satisfied that the development is acceptable in this regard and as such accords with Policy BE3.

Environmental Health Considerations

Delivery / hours of operation

The EHO initially raised concern in respect of the proposed delivery vehicle route for the retail units since their delivery areas are located on the south elevation, closest to the dwellings in Cox Gardens, which it appears delivery vehicles would utilise to access the site. It would therefore seem more appropriate for delivery vehicles to access the units via the new access from Vickers Way in order to reduce the number of dwellings impacted by delivery vehicle noise, however, if access is required via Cox Gardens, then it is recommended that delivery hours are restricted to minimise the noise impacts on those dwellings. This can be achieved by condition which has been agreed by the applicants.

Odour control

In the event any of the retail units were to be used for the preparation and sale of hot food, details of kitchen extraction equipment would need to be submitted and approved by the Local Planning Authority to ensure cooking odours do not adversely impact on nearby residential amenity. This can be secured by condition, which can be a pre-occupation condition, as recommended by the EHO, and has been agreed with the applicants.

Plant noise

With respect to any external plant and equipment that may be required to serve the proposed development and to ensure that any such equipment does not give rise to noise disturbance, the EHO has recommended a condition in accordance with which that plant should be installed and maintained. This restricts noise levels and has been agreed with the applicant.

Land contamination

A Phase I and II ground investigation report was submitted with this application, which builds upon the previous site investigations completed for the larger Lower Heathcote development. This identified that there is a low risk of contamination at the site and no specific remediation measures are proposed. On this basis, the EHO recommends a watching brief is maintained throughout the development in the event that any previously unidentified contamination is discovered during development of the site, which can be secured by condition.

Air quality

An air quality screening report was submitted with this application stating that the air quality impacts of the wider Harbury Lane/Lower Heathcote development were previously assessed under the outline application for the site and therefore the only additional traffic generated by the proposed development would be from the proposed office and care home buildings. These aspects of the development have been classified as minor under the Air Quality and Planning SPD, thus requiring a proportion of electric vehicle charging points. The proposed site plan indicates that 6no electric vehicle charging points will be provided for the

proposed office building, but since mitigation measures for the remaining units are not shown within this proposal, the standard condition, requiring an appropriate scheme of mitigation in accordance with the SPD to be submitted and approved, should be attached to any forthcoming permission. This would include electric vehicle charging infrastructure in accordance with the SPD, as recommended by the EHO.

Construction impacts

The submitted noise assessment report has identified that existing residents could be exposed to elevated levels of noise and vibration as a result of the land preparation and construction process. In order to minimise any disruption or loss of amenity during the construction phase, a construction management plan is required by way of a planning condition which shall require the developer to demonstrate how environmental issues such as noise, dust, and vibration will be managed.

All of the above has been discussed, reviewed and agreed between the applicants and the EHO and officers are satisfied that any potential impacts can be adequately mitigated for through conditions as recommended by the EHO. The development is therefore considered acceptable in all of the above respects.

Access and parking / Highway safety

Policy TR1 requires development to provide safe, suitable and attractive access routes for all road users; including drivers of motor vehicles as well as cyclists, pedestrians and public transport users. The policy expects development proposals to demonstrate that they (inter alia) are not detrimental to highway safety and, where practical, incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Two new accesses are proposed off Vickers Way; one to the west, to serve the office and retail units and the other to the south to serve the nursery. The care home would be accessed off Cox Gardens.

A Transport Statement which provides an assessment of the potential impacts of the proposals on the operation of the highway network in the vicinity of the site and includes information about trip generation and trip distribution has been considered by the County Highway Authority. In their formal response, consideration has been given to the mixed use local centre that was approved as part of the outline permission, together with the primary school that has already been delivered with extensions to provide the second phase under construction. With a further application that considered an additional 150 dwellings over and above the original outline figure of 785, the Highway Authority confirm that the Transport Assessment found that the total 935 dwellings were acceptable.

Overall, the nature of the proposals that form this application will result in a minimal impact on the operation of the highway network and to that end there would be no detriment to highway safety as a result of this development.

Policy TR3 requires development to make provision for parking which has regard to the location and accessibility of the site by means other than the private car, does not result in on-street car parking detrimental to highway safety; takes

account of the parking needs of disabled car users, motorcyclists and cyclists; and takes account of the requirements of commercial vehicles. Moreover, development will be expected to comply with the parking standards set out in the most recent Parking SPD.

All the uses within the development propose a level of parking provision which accords with the adopted Parking Standards. The nursery is slightly in excess of the standards, but unlike all other uses where parking requirements are based on the size of the building, parking for the nursery is determined by the number of FTE staff and must include space for dropping off and collecting children as appropriate. At the time of this submission it is anticipated that the number of FTE staff will be 15. 18 spaces are proposed which includes space for dropping off/picking up and waiting and also covers a small increase in staff numbers should this occur in the future.

Cycle spaces are provided for within each site and is illustrated on each site plan for the respective building layout plan. Ambulance parking is provided for at the care home in accordance with TR3. While electric vehicle charging provision is shown for the office development this is not shown for the other buildings but can still be provided for and secured by the standard air quality condition which requires such details to be submitted and approved in writing prior to the occupation of each respective building, as recommended by the EHO.

In accordance with the above, and in view of the County Highway Authority's response of 'no objection' officers are satisfied that the development is acceptable in this regard and as such accords with Policies TR1 and TR3.

Ecological impact and biodiversity

Policy NE2 seeks to protect designated areas and species of national and local importance for biodiversity. Proposals likely to impact on such assets will be subject to an ecological assessment and will only be permitted where the proposal is justified and where it is demonstrated that the proposed mitigation or compensatory measures are equivalent to the value assigned to the site/asset in the ecological assessment.

The application site has undergone disturbance due to previous development activities and lack of management. It is now recorded as predominantly of ephemeral / short perennial habitat with areas of bare ground, along with an area of ruderal vegetation, and hedgerows with trees. To the south the area is predominantly amenity grassland. A preliminary ecological appraisal and other accompanying survey work was submitted with the application which was considered by the County Council Ecologist. Following the submission of additional information/clarification from the applicants in response to some initial **comments from the County Council, a response of 'no objection' was** forthcoming from the County Ecologist, subject to recommended conditions requiring the submission of a CEMP and LEMP together with details of tree protection and any lighting to be installed.

The development is therefore considered acceptable in this regard and in accordance with NE2.

Landscaping and open space

All existing trees along the Harbury Lane road frontage are proposed to be retained with tree protection measures put in place to ensure the car parking for the office does not impinge on the root protection areas. There are 6 no. trees towards the eastern boundary of the site which would need to be removed to facilitate the development but it is noted that there are no TPOs nor is the site in a conservation area. An arboricultural assessment was submitted with the application which concludes that the six trees are Category B and C trees; the findings of the assessment conclude that their removal would have a low to moderate impact on the site and surrounding landscape. It is however proposed to replace any removed trees with new trees along the eastern boundary of the site to strengthen and enhance the green corridor that separates the application site from the adjacent site on which the primary school is located.

Following some discussion with the County Council Landscape officer and further revisions being made to the landscaping plans in response to specific comments about species planting and spacing widths for hedge planting there are no objections to the proposals from a landscaping point of view. This would be subject to conditions ensuring the development is carried out in accordance with the mitigation measures set out in the submitted arboricultural assessment and that appropriate tree protection is put in place prior to the commencement of development on site.

The Open Space team has reviewed the proposals and sought some additional **information before providing a final response of 'no objection'**. As part of the scheme a new public square would be created, which would significantly enhance the public realm, and therefore comply with Policy NE4 which encourages new development to positively contribute to the character of an area. It is likely that this public square would be well used by local community groups, office workers during lunch breaks and possibly staff and other people associated with the care home.

Landscaping is used throughout the site to assist with defining the spaces, but to also assist with softening parts of the scheme i.e. the parking area to give the scheme a natural and green theme, which would complement the application site but also the wider contextual setting of the development being in close proximity to the 56-hectare Tachbrook Country Park.

The office has pockets of landscaping to enable workers to enjoy external seating opportunities.

The on-site nursery offers a large external play space to encourage children to engage with their environment, whilst also offering the opportunity to learn and use nature to stimulate the senses.

Whilst the care home is central to the plan, landscape design has been used to ensure that the care home feels part of the community while still maintaining the privacy of residents which is achieved through detailed planting.

Overall, when taking into account how well served the site and surrounding Lower Heathcote development already is by public open space, and moreover

how close the local centre would be to the 56-hectare Country Park, which is just a short walking distance from the site, in the absence of an objection from the Open Space team, who, on this occasion have not deemed it necessary to request a financial contribution towards the provision or improvement of public open space in the vicinity, officers are satisfied that the development is acceptable in this regard.

Drainage and flooding

The site is in Flood Zone 1, the area at the lowest risk of flooding according to **the Environment Agency's records. A Flood Risk Assessment and Drainage** Strategy was submitted with the application which was considered by the relevant statutory consultees; this demonstrates that surface water is to be disposed of to a sustainable drainage system while foul water will be disposed of to a mains sewer.

There are no objections subject to conditions from the relevant drainage consultees, aside from which there are separate duties placed on the applicant to ensure that any obligations are discharged in accordance with the statutory undertakers (this is not a planning matter) prior to occupying/operating the site.

Officers are satisfied that the development is acceptable in terms of its impact on drainage and flood risk and therefore accords with Policies FW1 and FW2.

Other matters

Bin storage is shown for each aspect of the development and a condition requiring details of the final appearance and design of this should be imposed on any forthcoming permission to ensure the finished appearance is suitable. Likewise with the details for the proposed substation and external plant **compound, the details of which are annotated on the site layout as 'possible'** position. It is therefore appropriate to impose a condition requiring details of the final siting, design and appearance prior to the installation of any such equipment and structures to ensure an appropriate finished appearance, especially given the latter are **likely to be positioned near to the site's frontage** and therefore visible from the public domain and main site entrance off Harbury Lane.

Summary/Conclusion

The principle of development is considered acceptable having regard to the provisions of policies DS11, TC2, H1, H5, HS1 and EC1. Moreover, the site proposes the delivery of a local centre and other facilities which would benefit the local community which is something that was identified as forming part of **housing allocation H02 'Land south of Harbury Lane'. The delivery of this proposal therefore accords with this policy requirement and, in officers' opinion,** would deliver the local centre and other infrastructure requirements, including community uses the policy identified at the time.

The design and layout of the development enables social interaction and engagement between all uses, in particular the care home, office and retail uses, promoting active frontages and a community cohesion that residents of the care home would not otherwise benefit from if the care home were proposed in a

more isolated location. The design and materials proposed for each of the buildings is considered appropriate in the context of the site and wider surroundings and reflects the character of the existing residential development around it.

The new development would not impact adversely on existing dwellings and any potential impacts by reason of noise or odours can be adequately mitigated by condition. Future occupiers of the buildings are suitably provided for with good standards of amenity through adequate outdoor spaces, and with regard to any potential impacts arising from noise, there are suitably worded conditions recommended by the EHO to safeguard against adverse impacts in the future which either restrict opening hours, deliveries or noise levels and/or require further information in the form of a Management Plan that can be monitored over an ongoing period of time.

There would be no detriment to highway safety as a result of the proposals and **the development proposes a level of parking which accords with the Council's** adopted standards. Cycle parking is proposed across the development; electric vehicle charging points are currently shown within the office development but details can be secured by condition for the other elements of the development.

There are no objections to the development from the County Council Ecologist subject to a number of conditions requiring further details. Similarly, in terms of landscaping, there is no objection to the loss of the identified 6no. trees near to the eastern boundary to facilitate the development since these will be replaced with new trees along the eastern boundary of the site, enhancing the green corridor that runs north to south from Harbury Lane to Vickers Way.

With respect to open space provision, the development proposes some within and around the site and the Open Space officer has raised no objection, confirming the site is already well served by public open space and in this case in particular, this and the surrounding development has the benefit of the Tachbrook Country Park, which is a total of 56 hectares, within a short walking distance.

The proposed measures to deal with surface water and foul water drainage are considered acceptable and there are no objections from the relevant statutory consultees in this regard.

Overall, the proposal represents a wholly sustainable form of development that would benefit the wider community and one which responds to an infrastructure need that is identified in Policy DS11 for this housing allocation of which the application site forms a part. For all these reasons it is recommended that the Planning Committee grant planning permission, subject to the conditions listed below.

- 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 Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby permitted, except that associated with the enabling works set out within Condition 2, shall commence until all respective pre-commencement conditions (Conditions 4, 5, 6 +7) have been discharged by the Local Planning Authority.

The enabling works shall include; site clearance to Plots 1A, 1B and 3 which, for the avoidance of doubt, are illustrated on Drg. No. 8437-200 Rev.A., including vegetation/hedge and tree removal as required; earthworks and ground raising; formation of accesses within the spine road (Vickers Way); construction of foul water drainage spur to the nursery within the spine road (Vickers Way); laying of services and diversions within the spine road (Vickers Way); and, access works from Cox Gardens into Plot 1B.

REASON: To ensure that development associated with an agreed list of enabling infrastructure and site preparation works can proceed in a timely fashion.

- 3 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings:

PL_02 Rev.A, PL_03, PL_04 Rev.C, PL_05, 701 Rev.P2, 700 Rev.P3 and BM11980-002 Rev.B and specification contained therein, submitted on 15 June 2020;

approved drawing BM11980-004A and specification contained therein, submitted on 21 September 2020;

approved drawings 2755-HIA-02-XX-DR-A-0100 Rev.P2, 2755-HIA-02-XX-DR-A-0104 Rev.P2, 2755-HIA-02-XX-DR-A-0101 Rev.P2, 2755-HIA-02-XX-DR-A-0103 Rev.P3, 2755-HIA-02-XX-DR-A-0102 Rev.P2, 20175 500 Rev.P4 and 20175 FRADS P3 and specification contained therein, submitted on 25 September 2020;

approved drawing BM11980-001 Rev.F and specification contained therein, submitted on 30 September 2020;

approved drawing 2755-HIA-03-XX-DR-A-0221 Rev.P2 and specification contained therein, submitted on 7 October 2020;

approved drawings 8437-200 Rev.A, 710 Rev.P3 and 711 Rev.P3 and specification contained therein, submitted on 12 October 2020;

and approved drawings 2755-HIA-00-00-DR-A-01001 P4, 2755-HIA-01-XX-DR-A-0301 Rev.P1, 2755-HIA-01-XX-DR-A-0302 Rev.P1, 2755-HIA-ZZ-XX-DR-A-0200 Rev.P1, 2755-HIA-ZZ-XX-DR-A-0201 Rev.P1, 2755-HIA-ZZ-XX-DR-A-0202 Rev.P1, 2755-HIA-02-XX-DR-A-0211 Rev.P1 and 2755-HIA-02-XX-DR-A-0212 Rev.P1 and specification contained therein, submitted on 23 October 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.

- 4 No plot of the development hereby permitted shall commence unless and until a Construction Management Plan (CMP) for that plot has been submitted to and approved in writing by the Local Planning Authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; details of all temporary contractors buildings; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 5 No plot of the development hereby permitted (other than the agreed enabling infrastructure and site preparation works, set out in Condition 2) shall take place until a hard and soft landscaping scheme for that plot 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 any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. 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. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

6 No plot of the development hereby permitted (other than the agreed enabling infrastructure and site preparation works, set out in Condition 2) shall take place until a detailed Landscape and Ecological Management Plan for that plot has been submitted to and approved in writing by the Local Planning Authority. The LEMP needs to be compliant with the British Standard on Biodiversity BS 42020: 2013 published in August 2013. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029 and the NPPF.

7 No development in pursuance of the agreed enabling infrastructure and site preparation works listed below shall take place until a Construction and Environmental Management Plan/Report specifically in relation to those enabling works has been submitted to and approved in writing by the Local Planning Authority: -

- site clearance to Plots 1 and 3, including vegetation/hedge and tree removal as required;
- earthworks and ground raising;

Thereafter, no additional development hereby permitted shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020: 2013 published in August 2013. In discharging this condition the LPA expect to see details concerning pre-commencement checks and monitoring for protected and notable species, and habitats as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011-2029.

8 No works above slab level in pursuance of the Nursery phase of the development hereby permitted shall be carried out unless and until details of the acoustic fencing to be erected at the Nursery along the western boundary adjoining Cox Gardens have been submitted to and approved in writing by the Local Planning Authority. The fencing shall thereafter be installed in strict accordance with the approved details prior to the first occupation and maintained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority. **REASON:** To ensure that adjoining residents do not experience unacceptable

levels of noise, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 9 No plot of the development hereby permitted shall be carried out above slab level unless and until samples of the external facing materials to be used for that plot 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.
- 10 No external plant or equipment shall be installed or operated within the development hereby permitted, unless and until details of such plant or equipment have been first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details. **REASON:** To ensure an acceptable appearance for such works in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 11 Prior to the installation of any substation within the development hereby permitted, details of the siting, external appearance and any means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details. **REASON:** To ensure an acceptable appearance for such works in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 12 Prior to the installation of any covered or other enclosed bin storage area within the offices of the development hereby permitted, details of the external appearance and any means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details. **REASON:** To ensure an acceptable appearance for such works in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 13 No lighting or illumination of any part of any building or any plot of the development hereby permitted shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full 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 Policy BE3 of the Warwick District Local Plan 2011-2029.
- 14 No plot of the development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, for that plot 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. **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.

- 15 No plot of the development hereby permitted shall be occupied or subsequently used until a detailed maintenance plan for that plot has been submitted to and approved in writing by the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including a contact name and details shall be provided to the Local Planning Authority within the maintenance plan. **REASON:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 16 No plot of the development hereby permitted shall be occupied unless and until the car parking and manoeuvring areas for that plot, 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 and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.
- 17 No plot of the development hereby permitted shall be occupied unless and until the approved cycle parking facilities for that plot have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times. **REASON:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 18 No plot of the development hereby permitted shall be occupied until a scheme for that plot which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 19 Prior to the occupation of the offices hereby permitted, six 32amp (minimum) electric vehicle recharging points 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 points have 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.

- 20 No plot of the development hereby permitted shall be occupied unless and until the external refuse storage areas for that plot have been constructed or laid out, and made available for use by the users of that plot and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse 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.

- 21 No restaurant/café/takeaway hereby permitted shall be occupied unless:
- 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;
 - a) the results of the odour assessments 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; and
 - b) 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.

REASON: To protect the amenities of surrounding properties, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 22 The use of the nursery hereby approved by this permission shall not commence until a Noise Management Plan relating to the activities to be carried out pursuant to this planning permission has been submitted to and approved in writing by the Local Planning Authority. Once approved, the agreed Noise Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. Following its approval the noise management plan shall be reviewed in conjunction with the Local Planning Authority every 12 months for a total period of two years following first commencement of the use. This review shall be agreed in writing by the local planning authority. **REASON:** To ensure that adjoining residents do not experience unacceptable levels of noise, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

23 Prior to the first occupation of the care home of the development hereby permitted, the noise mitigation and ventilation scheme included **within the 'Noise & Vibration Assessment Report' prepared by Wardell Armstrong**, dated June 2020, ref. BM11980, Report No. 006, V0.1 shall be implemented and the development shall thereafter maintain these mitigation measures in accordance with these approved details in perpetuity. **REASON:** To protect the amenities of occupants of the care home and ensure an appropriate standard of living environment in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

24 Each plot of the development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy and in particular the following mitigation measures detailed within the approved documents:

- c) Limit the discharge rate from the Nursery Site generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 5 l/s.
- Provide provision of surface water attenuation storage as stated **within the Drainage Strategy and/ or in accordance with 'Science Report SC030219 Rainfall Management for Developments'**.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

REASON: To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

25 The arboricultural control measures that are described and illustrated in the 'Arboricultural Impact Assessment' dated June 2020 and undertaken by Wardell Armstrong, and the tree protection measures illustrated on the Tree Protection Plan BM11980-002 Rev.B submitted on 16 September 2020 should be fully implemented in a timely fashion and properly maintained throughout the duration of the plot works. No development or other operations (including site clearance or other preparatory works) shall commence unless and until the appropriate tree protection measures have been put into place and thereafter shall remain in place for the full duration of any such construction work.

The integrity of the arboricultural control measures should be monitored by a competent arboriculturist throughout the development to ensure their compliance with the arboricultural assessment, and the reports submitted to the local planning authority for verification.

REASON: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 26 Each plot of the development hereby permitted shall not be occupied until the access to that plot has been laid out and constructed in general accordance with drawing no.2755-HIA-02-XX-DR-A-0100 Rev.P2. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 27 The construction of the vehicular accesses serving the development including footways, cycleways and verges shall not be other than in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 28 No HGV movements during the construction phase will take place on Mondays to Fridays during the hours of 07:00 – 09:30 and 15:00 – 17:00, to ensure that HGV traffic is limited to protect local school children in the proximity of the development site. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 29 No deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 08:00 hours or after 18:00 hours on Monday to Saturday or before 09:00 hours or after 16:00 hours on Sundays. **REASON:** To ensure that adjoining residents do not experience unacceptable levels of noise, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.
- 30 Within the retail centre of the development hereby permitted (use classes E and Sui Generis 'Hot Food Takeaway') no customers shall be permitted to be on the premises other than between 07:00 and 23:00 hours on any day. **REASON:** To ensure that adjoining residents do not experience unacceptable levels of noise in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.
- 31 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured 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 amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 32 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. **REASON:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

Planning Committee: 04 November 2020

Item Number: 7

Application No: [W 20 / 1220](#)

Town/Parish Council: Leamington Spa
Case Officer: Andrew Tew

Registration Date: 05/08/20

Expiry Date: 30/09/20

01926 456555 andrew.tew@warwickdc.gov.uk

33 Fairlawn Close, Leamington Spa, CV32 6EN

Change of use from dwellinghouse (Use Class C3) to 6 bed House in Multiple Occupation (Use Class C4) FOR LOUNIAM INVESTMENTS

This application is being presented to Planning Committee because it is recommended for approval and more than 5 objections have been received.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the proposed change of use from a four bedroom dwellinghouse (Use Class C3) to a six bedroom House in Multiple Occupation (HMO) (Use Class C4).

THE SITE AND ITS LOCATION

The application property is a detached period property located on the north-east side of Fairlawn Close within the Royal Leamington Spa Conservation Area

PLANNING HISTORY

W/19/1236 - Internal refurbishment of an existing dwelling including the conversion of a existing basement with lightwell - Granted.

RELEVANT POLICIES

- National Planning Policy Framework
 - [The Current Local Plan](#)
 - BE1 - Layout and Design
 - BE3 - Amenity
 - TR3 - Parking (Warwick District Local Plan - 2011-2029)
 - H6 - Houses in Multiple Occupation and Student Accommodation
 - [Guidance Documents](#)
 - Parking Standards (Supplementary Planning Document)
 - Residential Design Guide (Supplementary Planning Document- May 2018)
 - [Royal Leamington Spa Neighbourhood Plan 2019-2029](#)
- Officer Note - While this is not yet formally made (as it has not yet been through a referendum) the above document has been through its final

examination and as such is afforded substantial weight in the decision making process.

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

Private Sector Housing: This proposal would create a 6 bed licensable HMO. The proposals satisfy space and amenities standards. Fire precautions to the LACORS guidance would be required. There are no elevation or sectional drawings to show the windows and light well for the front basement room. I would request further drawings to confirm there is adequate natural light and ventilation.

WCC Highways: No objection.

Safer Communities, Health & Community Protection: No objection with regards to noise issues only.

Conservation Officer: We have no comments to make on this application as no external alterations are proposed to this unlisted building in the Conservation Area.

Public Response: 12 objections have been received on grounds of insufficient parking, and potential occupation of the property by students.

Assessment

Principle of the 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 5 existing HMOs out of a total of 126 residential units. The existing HMO concentration level is at 3.97% The

addition of one additional HMO would increase the concentration of HMOs within a 100 metre radius to 4.76%.

- b) The nearest bus stop is located on Rugby Road which is within 400 metres walking distance of the property.
- c) The existing property does not sandwich a non-HMO between another HMO.
- d) The proposal does not lead to a continuous frontage of HMOs.
- e) The proposal would retain the existing waste and recycling storage arrangements in the rear garden of the property and moved to the kerbside on collection day.

The proposal is therefore considered to comply with Policy H6.

Impact on Heritage Assets and the Street Scene

Section 72 of the Planning (Listed Buildings and Conservation Areas) 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. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

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 196 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 Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the 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. The explanatory text for Policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan Policy HE2 supports this and states that it is important that development both within and outside a Conservation Area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

The formation of the lightwell and associated external works to facilitate the conversion of the basement to a habitable room were approved under the 2019 planning application and the permission has been implemented in accordance with the approved details. The proposed change of use of the dwelling does not include any further external alterations and would have no impact on the street scene or the Conservation Area.

The proposal is therefore considered to be in accordance with Local Plan Policies HE1, HE2 and BE1.

Impact on neighbouring properties and whether the proposal would provide adequate living conditions for future occupiers

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 and does not lead to an unacceptable concentration of HMOs as discussed above. The Environmental Health Officer also raises no objection with regards to noise. It is therefore considered that the proposal would not result in material harm to the living conditions to neighbouring occupiers.

In terms of living conditions for future occupiers, Private Sector Housing have been consulted and confirm that the proposals satisfy space and amenities standards. Fire precautions to the LACORS guidance would be required, but this would be secured separately.

Private Sector Housing queried that there were no elevation or sectional drawings to show the windows and lightwell for the front basement room and whether there would be suitable light and ventilation. It is confirmed that these works were approved and implemented under planning permission ref; W/19/1236 where it was concluded that adequate light and outlook would be provided for the proposed habitable room. This conclusion was reached taking into account the fact that the proposed window was a large triple bay window and while the outlook was constrained somewhat by the depth of the lightwell, the habitable room was a secondary living room with the primary living room at ground floor. As proposed, the room in the basement would be a bedroom within a HMO. Were the occupier of this room to be limited entirely to this room only, Officers would perhaps have raised concerns. However, as the proposed floor plans also includes a communal living area, it is considered that the proposal would be acceptable.

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

Parking & Highway Safety

Public responses have expressed concern regarding the lack of parking provision for the site and the existing pressure on parking in Fairlawn Close. In accordance with the Council's Parking Standards SPD, the parking requirement for the existing 4 bed house is 3 spaces. The requirement for a 6 bed HMO would also be 3 spaces. Therefore, as there would be no net increase in the number of required car parking spaces, the proposal is considered to be in accordance with the Council's adopted Vehicle Parking Standards. WCC Highways have also raised no objection to the proposed change of use.

The proposal would therefore be in accordance with Policy TR3 of the Local Plan.

Conclusion

The proposed change of use is considered to be acceptable in principle and would not result in material harm to residential amenity, or the character of the area. There would be no increased demand on parking as a result of the change of use and the proposal would provide adequate living conditions for future occupiers. The proposed change of use is therefore recommended for approval.

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) 20124-001 and specification contained therein, submitted on 5th August 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.
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**List of Current Planning and Enforcement Appeals
4 November 2020**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position
W/19/185 8	Former Tamlea Building, Nelson Lane, Warwick.	Redevelopment for residential Purposes. Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 29/5/20 Statement: 26/6/20		Awaiting Decision following Hearing.

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
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W/18/0986	Ivy Cottage, Barracks Lane, Beausale	One and two Storey Extensions Committee Decision in accordance with Officer Recommendation	Rebecca Compton	Questionnaire: 23/10/18 Statement: 14/11/18	Ongoing
W/19/0091	21 Northumberland Road, Leamington	Erection of Railings and Gates Delegated	Emma Booker	Questionnaire: 17/6/19 Statement: 9/7/19 Comments: -	Ongoing
W/19/2006	Unit 1, Moss Street, Leamington	Removal of Condition to allow for the Unrestricted Occupancy of 47 bed HMO. Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 11/6/20 Statement: 9/7/20	Ongoing
W/19/1973	Wooton Grange Farm House, Warwick Road, Kenilworth	Extensions and Alterations Delegated	Jonathan Gentry	Questionnaire: 23/4/20 Statement: 15/5/20	Ongoing
W/19/1442	129 Warwick New Road, Leamington	Application for a Certificate of Lawful Development for a Rear Extension Delegated	Ankit Dhakal	Questionnaire: 6/7/20 Statement: 3/8/20	Appeal Dismissed

The reason for the Council's refusal is because the extension contravenes limitations (f), (j) and (ja) of Schedule 2, Part 1, Class A of the GPDO. This is because, combined with the previous enlargement of the property, the proposed extension would have more than a single storey and would extend more than 3 metres beyond the rear wall of the original dwellinghouse. The proposal would also extend beyond a wall forming a side elevation of the original dwellinghouse.

The Council's case rests on the fact that the proposed extension adjoins a previous single storey rear and two storey side extension granted planning permission in 1991. The "total enlargement" for the purpose of limitation (ja) is the extension now proposed, combined with the single storey rear and two storey side extension previously constructed. The photographs provided by the appellant clearly show that the proposal has been erected although the building work has not been completed.

The appellant argued that the proposed single storey rear kitchen extension would not join the previously enlarged section of the original house. Instead, the proposal would join the rear wall of the original dwellinghouse which incorporated the outhouse that was attached to the side of the dwelling.

Based on the evidence before him, the Inspector considered that the height of the roof would extend beyond the height of the previous outhouse, thereby connecting with the rear elevation on the previous enlargement.

Consequently, based on the submitted plans for the LDC, the appeal proposal would contravene limitation (h) because the "total enlargement" would have more than a single storey and extend beyond the rear wall of the original dwellinghouse by more than 3 metres. It would also contravene limitation (j) because the "total enlargement" would extend beyond a wall forming a side elevation of the original dwellinghouse and would exceed 4 metres in height and have more than a single storey.

W/19/2037	Arden Hill, Lapworth Street, Lapworth	New Dwelling Delegated	Dan Charles	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/0860	6 Phillipps Road, Warwick	Change of use to Garden and Erection of Fencing	Emma Booker	Questionnaire: 22/7/20	Ongoing

		Committee Decision in accordance with Officer Recommendation		Statement: 13/8/20	
W/19/1604	17 Pears Close, Kenilworth	First and Ground Floor Extensions Delegated	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing
W/20/0214	Broadford House, Grovehurst Park, Stoneleigh	Boundary Features Delegated	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing
W/19/1558	Land rear of 14 – 16 Randall Road, Kenilworth	Detached Bungalow Delegated	Helena Obremski	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/1572	Land off Birmingham Road and A46, Warwick	2 Dwellings Delegated	Helena Obremski	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/1949	22 St Mary's Terrace, Leamington	Conversion and Extension of Garage into Dwelling Delegated	Rebecca Compton	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing

W/19/1963 and W/19/1964/LB	Rectory Cottage, Church Lane, Lapworth	Demolition of Garage Block and erection of Sun Room Delegated	George Whitehouse	Questionnaire: 19/8/20 Statement: 16/9/20	Ongoing
W/20/0097	10 Wasperton Road, Wasperton	Change of Use of Store Room to Dog Grooming Salon Delegated	Rebecca Compton	Questionnaire: 19/8/20 Statement: 16/9/20	Ongoing
W/19/1197	89 Shrubland Street, Leamington	Change of Use to HMO Appeal against Non- Determination	Rebecca Compton	Questionnaire: 1/9/20 Statement: 29/9/20	Ongoing See also enforcement appeal below
W/20/0247	3-5 Mill Street, Leamington	Subdivision into 2 dwellings; Extensions and other Alterations Appeal against Non- Determination	Emma Booker	Questionnaire: 11/9/20 Statement: 9/10/20	Ongoing
W/20/0980	9 Camberwell Terrace, Leamington	Front Lightwells Delegated	Emma Booker	Questionnaire: 25/9/20 Statement: 19/10/20	Ongoing

W/20/0262	Old Barn, Sands Farm, Old Warwick Road, Lapworth	Change of use to Dwelling Delegated	Helena Obremski	Questionnaire: 28/9/20 Statement: 26/10/20	Ongoing
W/20/0271	The Hay Barn, Packwood Lane	Replacement Garage Delegated	Jonathan Gentry	Questionnaire: 8/9/20 Statement: 30/9/20	Ongoing
W/20/0429	12 Victoria Street Warwick	Extensions and Alterations Delegated	Jonathan Gentry	Questionnaire: 11/9/20 Statement: 5/10/20	Ongoing
W/20/0467	Morrisons, Old Warwick Road, Leamington	Various Signage Delegated	Lucy Hammond	Questionnaire: 28/9/20 Statement: 26/10/20	Ongoing
W/20/0201	37 Shakespeare Avenue, Warwick	First floor Side Extension Delegated	Thomas Fojut	Questionnaire: 8/9/20 Statement: 30/9/20	Ongoing
W/19/1197	89 Shrubland Street, Leamington	Change of Use to 7 Bed HMO Appeal against Non- Determination	Rebecca Compton	Questionnaire: 1/9/20 Statement:	Ongoing

				29/9/20	
New W/20/0801	5 Cubbington Road, Lillington	Front Boundary Wall	George Whitehouse	Questionnaire: 23/10/20 Statement: 16/11/20	Ongoing
New W/20/0170	Eversleigh Nursing Home, 2-4 Clarendon Place, Leamington	Car parking and Landscaping	Helena Obremski	Questionnaire: 13/10/20 Statement: 10/11/20	Ongoing
New W/20/0466	Morrisons, Old Warwick Road, Leamington	Structures to form MOT Pod, Wheel Repair Pod and Car Repair Centre	Lucy Hammond	Questionnaire: 15/10/20 Statement: 29/11/20	Ongoing
New W/20/0834	21 Wordsworth Drive, Kenilworth	Part rendering to Front and Rear	Thomas Fojut	Questionnaire: 16/10/20 Statement: 9/11/20	Ongoing

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	RR	Statement: 22/11/19	Public inquiry 1 Day	The inquiry has been held in abeyance
ACT 097/17	2 Satchwell Place, Leamington Spa	Construction of Fence	RR	Statement: 23/6/20	Written Representations	Ongoing

Grounds of Appeal

The steps to comply with the notice are excessive
The Notice compliance period is too short.

ACT/565/18	41 Clemens Street, Leamington	Erection of structures/fencing to the front of the premises	RR	Statement Due: 5/11/20	Written Representations	Ongoing
Grounds of Appeal That the alleged works haven't taken place. That the alleged works (if they occurred) do not constitute a breach of planning control. That the steps to comply with the notice are excessive.						
ACT/386/19	89 Shrubland Street, Leamington	Change of use to a 7 bed HMO.	RC	Statement Due: 11/09/20	Written Representations	Ongoing
Grounds of Appeal Planning permission ought to be granted.						
ACT/665/18	64 Bath Street Leamington Spa	Removal of historic door, frame and fanlight. Installation of UPVC doorset with double glazed fanlight (to Listed Building)	RR	Statement Due 21/09/20	Written Representations	Appeal Dismissed and Enforcement Notice Upheld.

Grounds of Appeal That the building is not of special architectural or historic interest That Listed Building consent ought to be granted.						
ACT/354/20	Old Folly Barn, Kites Nest Lane, Beausale, Warwick	Erection of detached car port.	GW	Statement Due: 5/8/20	Written Representations	Ongoing

Tree Appeals

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquir y	Current Position