

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 23 May 2023, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Membership of the Committee will be confirmed at Annual Council 17 May 2023.

Emergency Procedure

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

Agenda **Part A – General**

1. **Appointment of Chairman**

To appoint the Chairman of the Committee for the municipal year 2023/24.

2. **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.

3. **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.

4. **Appointment of Vice-Chairman**

To appoint the Vice-Chairman of the Committee for the municipal year 2023/24.

5. **Site Visits**

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

6. **Minutes**

To confirm the minutes of the Planning Committee meetings held on:

- (a) 28 February 2023; **(Pages 1 to 23)**
- (b) 28 March 2023; **(Pages 1 to 38)**
- (c) and 25 April 2023. **(Pages 1 to 13)**

Part B – Planning Applications

To consider the following reports from the Head of Place, Arts and Economy:

- 7. **W/22/1728 – Claywood, Clattyland Lane, Beusale (Pages 1 to 9)**
- 8. **W/23/0253 – 1 Percy Terrace, Royal Leamington Spa (Pages 1 to 5)**
- 9. **W/23/0313 – 1-9 Martinique Square, Bowling Green Street, Warwick (Pages 1 to 5)**
- 10. **W/23/0314 LB – 1-9 Martinique Square, Bowling Green Street, Warwick (Pages 1 to 4)**
- 11. **W/23/0363 – 10-12, 14-28, 32-45 Martinique Square, Bowling Green Street, Warwick (Pages 1 to 5)**
- 12. **W/23/0371 – The Shire Grill, Chesterton Drive, Royal Leamington Spa (Pages 1 to 6)**
- 13. **W/23/0405 – 1 St Chads Cottage, Old Warwick Road, Lapworth (Pages 1 to 3)**

Part C – Other matters

- 14. **Appeals Report (To follow)**

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 by attending the meeting in person on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.

- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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

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Planning Committee

Minutes of the meeting held on Tuesday 28 February 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Principal Committee Services Officer – Lesley Dury; Legal Advisor – Ross Chambers; Development Manager – Gary Fisher; Principal Planning Officer – Dan Charles and from WCC Highways Department – Dave Pilcher.

131. Apologies and Substitutes

- (a) Apologies for absence were received from Councillors Morris and Skinner.
- (b) Councillor Davison substituted for Councillor Tangri.

132. Declarations of Interest

Minute Number 137 – W/22/0860 – Land at Althorpe Street, Royal Leamington Spa

Councillor Ashford advised that he lived close to Althorpe Street.

Councillor Quinney advised that his name had been added to a general objection made by a group of people without his knowledge or consent which he would not have given had he been made aware.

Minute Number 139 – W/22/1365 – Kenilworth Service Station, Warwick Road, Kenilworth

Councillor Dickson declared an interest because he used the petrol station from time to time.

133. Site Visits

W/22/0860 – Land at Althorpe Street, Royal Leamington Spa

Councillors Boad, Dickson and Jacques advised that they had made an independent site visit to this application address.

W/22/1036 – Kenilworth Lodge, Leamington Road, Kenilworth

Councillor Dickson advised that he had made an independent site visit to this application address.

W/22/1365 – Kenilworth Service Station, Warwick Road, Kenilworth

Councillor Dickson advised that he had made an independent site visit to this application address.

PLANNING COMMITTEE MINUTES (Continued)

134. Minutes

The minutes of the meetings held on 13 December 2023 and 15 December 2023 were taken as read and signed by the Chairman as a correct record.

135. W/22/1762 – 41 Portland Street, Royal Leamington Spa

This application was withdrawn from the agenda at the request of the applicant.

136. W/22/1763 LB – 41 Portland Street, Royal Leamington Spa

This application was withdrawn from the agenda at the request of the applicant.

137. W/22/0860 – Land at Althorpe Street Royal Leamington Spa

The Committee considered an application from HGL Leamington Limited for the demolition of the existing buildings and the erection of a mixed-use scheme comprising commercial floorspace (Use Class E) and purpose-built student accommodation (Sui Generis) in three buildings of up to six storeys with associated landscaping, tree works, footpaths, parking, servicing, communal amenity area and associated works and improvements.

The application was presented to Committee because of the level of objection received including an objection from Royal Leamington Spa Town Council and because a Section 106 agreement was required.

Officers considered that the proposed development was in accordance with Policy TC12 of the Local Plan which sought to retain commercial uses on existing Town Centre Employment Sites. The scheme had also been assessed against Policy H6 of the Local Plan and subject to conditions was considered to comply with the requirements of the Policy.

An assessment had been made of the site-specific criteria in terms of the design and impact of the proposal and subject to appropriate conditions was considered acceptable.

The proposal was also subject to a Section 106 Agreement to secure a range of contributions together with management plans of both the student and commercial elements of the scheme to ensure that the sites were operated as a car free development.

For reasons set out within the body of the report, officers recommended that planning permission should be granted subject to the signing of the required Section 106 Agreement.

An addendum circulated at the meeting clarified certain inaccuracies in the officer's report:

- on page 1 of the report, reference had been made to the Head of Development Services. The post title should have stated Head of Place, Arts and Economy; and

PLANNING COMMITTEE MINUTES (Continued)

- on page 11, the report referred to the Council adopting the canal-side DPD, which was incorrect. The Council had approved a pre-submission DPD for submission to the Secretary of State but had not submitted it.

Further consultation responses had been received in respect of Warwickshire County Council Infrastructure and Warwick District Council Open Space with requests for Section 106 contributions. Additionally, subsequent to publishing the officer's report, a further 617 objections had been received reflecting comments already received and stated in the report.

Leamington Society had submitted an additional comment in respect of the viability of a "car free" development in relation to parking for the proposed creative hub office workers and the impact on residential amenity policy BE3.

The addendum also gave details about questions submitted by Planning Committee Members prior to the meeting, and the responses that had been made by officers to these.

The following people addressed the Committee:

- Councillor Singh, representing Royal Leamington Spa Town Council which had objected to the application;
- Mr Mackay, speaking in objection on behalf of the Warwick District Conservation Advisory Forum;
- Ms Swinson, Councillor J Chilvers, Mr Eurich and Ms Bond, objecting;
- Mr Harris and Mr Heath, supporting; and
- Councillor Mangat, District Councillor, objecting.

Officers confirmed that the proposal did not adhere to HMO policy rules in terms of concentration and student accommodation; all 328 bedrooms would be student accommodation. Members were informed that they needed to weigh this up against the opportunities presented by providing a large number of student housing units at this site and potential uses this could make for other HMOs that might no longer be needed for student accommodation; officers had advised their assessment of this in the report.

The scheme would involve removal of individual trees in the Canal Conservation Area, but officers advised that there was a plan for tree replacement as part of the ecological benefits of the site. New landscaping would take years for the ecological benefits to be realised whilst the trees grew.

Concerns were raised about pedestrian and cyclist safety with no clear link between the site and the town centre. The WCC Highways Officer explained that the applicant had undertaken to provide certain safety mitigations including lighting and a link for pedestrians to the town centre. Members noted that students could walk along residential streets to get to the town centre, George Street, Forfield Place and Church Street, if they did not follow signage. The WCC Highways Officers confirmed that the roads were not wide enough to provide a cycle lane so cyclists would need to negotiate Althorpe Street until arriving at cycle paths on High Street and Old Warwick

PLANNING COMMITTEE MINUTES (Continued)

Road, but it was felt that traffic was not heavy in Althorpe Street during daytime.

The Canal River Trust owned the bridge accessing the green space, so this was outside of the Council's control. There were no specific proposals to improve this access route.

Parking in the area was already an issue with cars illegally parking and no parking enforcement currently being undertaken although this could change overnight. The motor trade was a predominant feature of the businesses in the area, so vehicles were a constant feature. Members raised concerns about the additional parking chaos if students tried to park their cars on-street also but were informed that the proposals included a "no car scheme" and any planning consent would include conditions to ensure this. When pressed further, Members were informed that there were no plans for employees at the new development to be able to park their cars. Members were advised that they needed to balance how well this would work. The Development Manager advised that the Council did not proactively enforce planning conditions but reacted to complaints received about breaches of these. The effectiveness of a management plan to control parking issues was questioned.

Businesses would be closed because of the development and the amenity of those businesses remaining would be affected by large numbers of students living in the area as would nearby residents be affected by those students using their streets to get to the town centre. Noise and dust from the industrial units would affect those living in the new accommodation. Concerns were raised that students would need to keep their windows closed to be protected from the noise which Members were informed was a material consideration and would need to be weighed up in the overall balance.

There was concern about the number of job losses caused by the closure of certain of the industrial units to make way for the proposals. The applicant had stated that 15 jobs would be lost but a member of the public who had addressed the Committee had stated that 50 jobs would be lost. Members questioned which figure was correct. The Council's Solicitor advised that this was a question of balance for Members to determine. The loss of employment land could be construed as a breach of policy TC12, but this should be balanced against other matters, one of which was the aspiration to create more jobs than currently available. Members felt that the proposals would not positively contribute to the wider regeneration aspirations of this area of "Old Town".

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

The Committee therefore

Resolved that W/22/0860 be **refused** for the following reasons:

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Refusal Reasons |
|------------|---|
| (1) | loss of Employment Land (Neighbourhood Plan Policy RLS17 and Local Plan Policy TC12); |
| (2) | overconcentration of HMO's including student accommodation (Local Plan Policy H6 and Neighbourhood Plan Policy RLS1); |
| (3) | noise impact on future occupiers of the development (Local Plan Policy BE3); |
| (4) | adverse impact on the amenity of nearby uses and residents (Local Plan Policy BE3); |
| (5) | impact of on-street parking to the detriment of highway safety (Local Plan Policy TR3); |
| (6) | inadequate or unsafe access and circulation for pedestrians and cyclists (Local Plan Policy TR1); and |
| (7) | harm to the Canal Conservation Area (Local Plan Policy H1 and Neighbourhood Plan Policy RLS15). |

(The meeting was adjourned at 8.05pm for 15 minutes for a comfort break.)

138. W/22/1036 – Kenilworth Lodge, Leamington Road, Kenilworth

The Committee considered an application from Mrs Bates for the erection of two dwelling houses in the garden to the side of Kenilworth Lodge, including alterations to the site access, new entrance walls and piers and other landscaping works .

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

The officer was of the opinion that the proposals were considered acceptable in principle and in relation to all of the detailed matters that had been assessed as stated in the report. It was therefore recommended that planning permission should be granted.

An addendum circulated at the meeting advised that Condition 4, which referred to the submission of a hard and soft landscaping scheme had been amended to include specific reference to the south-west boundary with Leamington Road as well as wider hard and soft landscaping works.

An additional condition requiring the submission of a Sustainability Statement had been attached.

PLANNING COMMITTEE MINUTES (Continued)

The addendum also gave details about questions submitted by Planning Committee Members prior to the meeting, and the responses that had been made by Officers to these.

Councillor K Dickson, representing Kenilworth Town Council addressed the Committee, objecting.

Members requested that the pedestrian access along the Leamington Road was safe and made pedestrian friendly, especially when considering the new developments taking place nearby.

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

The Committee therefore

Resolved that W/22/1036 be **granted** with an informative note to the applicant requesting that consideration be given to pedestrian access along the Leamington Road to provide a safe and pedestrian friendly route and subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing and specification contained therein:

-2103_0001 P04 - Site Location Plan, received on 20/06/2022
-2103_0010 P05 - Existing Site Plan, received on 26/01/2023
-2103_0050 P17 - Proposed Site Plan received on 09/02/2022
-2103_0055 P08 - Plot 1 as proposed, received on 08/12/2022
-2103_0057 P07 - Plot 2 as proposed, received on 15/09/2022
-2103_0060 P06 - Access Road Context Elevations, received on 15/09/2022
-2103_0080 P03 - Bin Collection Information, received on 01/11/2022
-Design and Access Statement dated 07.07.2022, received on 27/07/2022 |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ul style="list-style-type: none">-16171-04 Rev A, dated 24/08/2022, received on 01/09/2022-Drawing titled 'Tree Protection Plan', drawing number Arbtech AIA 01, received on 14/10/2022;-Drawing titled 'Arboricultural Impact Statement', drawing number Arbtech AIA 01, received on 14/10/2022;-Refuse Statement, dated 15/09/2022, received on 31/10/2022-Biodiversity Net Gain Assessment by arbtech, Issue 3, received on 06/02/2023-Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey, dated 31/05/2021, received on 20/06/2022-Arboricultural Method Survey by Arbtech, dated 14 October 2022, received on 14/10/2022;-Transport Statement reference SKP/16171-02 by DTA, received on 20/06/2022-Technical Note numbered 16171-03A, dated 31st August 2022, received on 01/09/2022-Air Quality Assessment by Gem, report ref: AQ2206, dated September 2022, received on 27/09/2022-Noise Impact Assessment by MZA Acoustics, dated October 2022, received on 08/12/2022

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

- (3) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme, including details of the southeast boundary with Leamington Road, has been submitted to and approved in writing by the local planning authority.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;</p> |
| (5) | <p>the development shall not be occupied until the existing vehicular access to the site has been widened/remodelled to provide an access width of 5 metres for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with approved plan 2103 0050 S0 Rev P17 and has been surfaced with a bound material for that distance. The vehicular access to the site shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (6) | no gates, barriers or means of enclosure shall be erected across a vehicular access within 5.5 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (7) | the development shall not be occupied until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (8) | the development shall not be occupied until pedestrian visibility splays of at least 2.4 meters x 2.4 meters have been provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. These splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 meters in height above the level of the public highway footway. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (10) | the development shall not be occupied until the proposed visibility splays as shown on approved plan 16171-04 Rev a have been provided to the vehicular access to the site. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (11) | no development shall commence including any site clearance, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | adhered to through the construction period.
The approved plan shall provide for: <ol style="list-style-type: none">i. The routing and parking of vehicles of HGVs, site operatives and visitors;ii. Hours of work;iii. Loading and unloading of plant/materials.iv. Storage of plant and materials used in constructing the development.v. The erection and maintenance of security hoarding.vi. Wheel washing facilities to prevent mud and debris being passed onto the highway.vii. A scheme for recycling/disposing of waste resulting from construction works.viii. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period. |

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;

- (12) prior to the commencement of the development hereby approved (including all preparatory work), the Arbtech Arboricultural Method Statement report dated 14 October 2022, including their Arboricultural Method Statement and appended Tree Protection Plan, together referred to as the scheme of protection, shall be adopted.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

- (13) prior to the occupation of the dwellings hereby permitted, one 16amp (minimum)

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | electric vehicle recharging point per dwelling shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging 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; |
| (14) | noise from building services, plant, or mechanical equipment of a similar description shall not exceed noise rating level NR25 internally within habitable rooms of the development. Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (15) | prior to the occupation of the development hereby permitted, the bedroom windows in the side elevation of the dwelling on Plot 1 shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (16) | the development hereby permitted shall not be occupied unless and until details of satisfactory bicycle parking facilities for each |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | dwelling (1 space per bedroom) have been submitted to and approved in writing by the Local Planning Authority. Thereafter those facilities shall be retained. 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; |
| (17) | the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029; |
| (18) | within one month of the erection of the acoustic fencing hereby approved, it shall be painted dark green in colour and retained and maintained as such thereafter. Reason: To protect the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (19) | the development hereby permitted shall not be occupied unless and until the refuse and recycling storage area for the development has been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development and the neighbouring dwellings. Thereafter that area shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development. Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (20) | the development hereby permitted shall not commence until a detailed schedule of habitat and species enhancement measures to result in a biodiversity net gain (to include location of measures, timing of works, species lists for proposed planting, and long-term management plans for features where applicable) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation and enhancement measures shall thereafter be implemented in full and maintained in perpetuity. Reason: To enhance the nature conservation value of the site and ensure biodiversity net gain in accordance with the NPPF; |
| (21) | no part of the development hereby permitted shall be commenced, until a scheme for the provision of 2 swift nest boxes and 2 bat boxes to be incorporated into or erected on buildings within the site has been submitted and approved in writing by the County Planning Authority. The scheme to include details of box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. Reason: To enhance the nature conservation value of the site; and |
| (22) | a condition on the submission of a Sustainability Statement (see addendum). |

139. **W/22/1365 – Kenilworth Service Station, Warwick Road, Kenilworth**

The Committee considered an application from Motor Fuel Group for the creation of a charging zone including installation of six electric vehicle charging points, sub-station enclosure, LV panel and associated forecourt works.

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

The officer was of the opinion that the proposal was considered to have an acceptable impact on the character and appearance of the area and on the setting of the adjacent conservation area. The proposal was also considered to create no additional harm to the amenity of neighbouring uses. There would be no detriment to highway safety, having regard to the safety of both vehicles and pedestrians.

PLANNING COMMITTEE MINUTES (Continued)

The proposals were in accordance with the policies stated in the report, and it was recommended that the application should be granted.

An addendum circulated at the meeting advised that officers were mindful that the boundary of the application sited clipped the adjacent Conservation Area, however, it was considered that the proposed works would not cause material harm to the surrounding area.

The addendum also gave details about questions submitted by Planning Committee Members prior to the meeting, and the responses that had been made by officers to these.

Councillor K Dickson, representing Kenilworth Town Council addressed the Committee, objecting.

Members requested that landscaping should be planted around the sub-station to soften its effect and screen the green space.

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

The Committee therefore

Resolved that W/22/1365 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) WPS-MFG-STD-EV-02 submitted on 22nd August 2022 and WPS-MFG-540-P-03 REV C and WPS-MFG-540-P-04 REV A submitted on 10th January 2023 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) | the use of the whole premises for the purposes of shop, fuel station and EV charging points shall be restricted to between the hours of 7.00am and 11.00pm. Reason: To protect the amenities of surrounding |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | properties, in accordance with Policy BE3 of the Warwick District Local Plan 2011 – 2029; |
| (4) | the development hereby permitted shall be carried out strictly in accordance with the details as set out in the 'Noise Impact Assessment Technical Report 39015-R3' produced by Sound Solution Consultants Limited and dated 10th January 2023.
Reason: To protect the amenities of surrounding properties, in accordance with Policy BE3 of the Warwick District Local Plan 2011 – 2029; and |
| (5) | a condition to provide landscaping around the sub-station to act as screening. |

140. **W/22/1202 – Telent, Point 3, Haywood Road, Warwick**

The Committee considered an application from Telent Technology Services Limited for the erection of two decks of parking on top of the existing car park.

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

The officer was of the opinion that the proposals were considered acceptable in principle and in relation to all of the detailed matters that had been assessed as stated in the report. It was therefore recommended that planning permission should be granted.

An addendum circulated at the meeting gave details about questions submitted by Planning Committee Members prior to the meeting, and the responses that had been made by officers to these.

Members had concerns about the direction that the security cameras might be pointing so requested that an informative note to the applicant be added to ask the applicant to be mindful to respect the privacy of neighbouring properties. An additional condition was also requested for the provision of landscaping around the car park to act as screening.

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

The Committee therefore

Resolved that W/22/1202 be **granted** with an informative note to the applicant requesting that in respect of the security cameras in use, consideration is given to ensuring the privacy of neighbouring properties and subject to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (1) | the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan, approved drawings, and specification contained therein:

-Site Location Plan, referenced PF/9239.01, received on 21/07/2022;
-Drawing titled, 'PROPOSED SITE PLAN', received on 21/07/2022;
-5350/LM.01 Rev B, received on 21/07/2022;
-8249/G [1] Rev D, received on 21/07/2022;
-8249/G [11], received on 21/07/2022;
-8249/G [10], received on 21/07/2022;
-8249/G [13], received on 21/07/2022;
-8249/G [3], Rev D received on 21/07/2022;
-8249/G [4], Rev D received on 21/07/2022;
-8249/G [6], Rev B received on 21/07/2022;
-8249/G [7], received on 21/07/2022;
-8249/G [8], received on 21/07/2022;
-8249/G [9], received on 21/07/2022;
-220033-A-PR-200 Rev A, received on 04/10/2022;
-220033-A-PR-201 Rev D, received on 28/11/2022;
-220033-A-Ex-202 Rev D, received on 28/11/2022;
-Arboricultural Impact Assessment by Aspect Arboriculture, dated June 2022, reference 11473_AIA.001, received on 21/0/2022;
-Multi Deck Car Park Construction Management Plan, received on 21/0/2022;
-Planning, Design and Access Statement, dated July 2022, reference PF/9239, received on 21/07/2022;
-Preliminary Ecological Appraisal by Ecolocation, referenced 2022-04(09), received on 09/02/2022;
-Landscape and Visual Assessment by International Design Group, dated May 2022 (revised Feb 2022), received on 09/02/2023;
-Air Quality Assessment by Air Quality Consultants, dated December 2022, received on 14/12/2022. |

Reason: For the avoidance of doubt and to secure a satisfactory form of development in

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3) | <p>no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (4) | <p>no development shall take place until an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority. Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;</p> |
| (5) | <p>no works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition and construction shall be carried out in strict accordance with the approved construction management plan. The construction</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | management plan shall be strictly adhered to at all times. 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; |
| (6) | no development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall provide details such as external levels plans and overland flow routeing plans, in addition to cross sections of any proposed attenuation features and outfall structures, demonstrating that the surface water drainage system is designed in accordance with 'The SuDS Manual', CIRIA Report C753. The approved works shall be undertaken prior to the first occupation of the development. 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, FW2 and NE3 of the Warwick District Local Plan 2011-2029; |
| (7) | the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	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;

(8) no development or other operations (including demolition, site clearance or other preparatory works) shall commence until an arboricultural method statement and tree protection plan, together referred to as the scheme of protection, for the protection of the trees to be retained should be submitted to and approved in writing by the Local Planning Authority.

The scheme of protection must be prepared in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations (referred to here as BS 5837) and shall refer to a retained tree's root protection area (RPA as defined in BS 5837) and to any work that may affect a retained tree above-ground.

Specific issues to be considered in the scheme of protection shall include how to control:

- the impact that construction may have;
- the impact that changes in level may have; and
- the impact that the installation of services/utilities/drainage may have (if appropriate).

The scheme of protection should make recommendations for:

- a) tree pruning to allow the development to proceed (if appropriate);
- b) tree protection, to be shown on the TPP with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | c) ground protection where scaffolding will be erected (if appropriate); |
| | d) ground protection where cranes will be installed (if appropriate); |
| | e) site setup, including (but not limited to) site access, parking, on-site welfare facilities, temporary buildings, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing, including suitable control measures to protect the retained trees from harm from those facilities or activities; and |
| | f) a site monitoring protocol that will confirm by independent examination by a suitably qualified tree specialist that the agreed scheme of protection is in place. |

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

- (9) the development hereby permitted shall not commence until a detailed schedule of habitats and species mitigation and enhancement measures (to include timing of works, enhancement measures for birds, bats, mammals and insects such as those indicated within Appendix 3 of the submitted PEA dated September 2022) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation and enhancement measures shall thereafter be implemented in full and retained in perpetuity. **Reason:** To ensure that protected species are not harmed by the development and to ensure a net biodiversity gain in accordance with NPPF;
- (10) prior to the occupation of the building hereby permitted, a detailed drainage maintenance plan, written in accordance with CIRIA C753, shall be submitted to and approved in writing

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | by the Local Planning Authority. The maintenance plan shall provide details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA within the maintenance plan. The LPA shall be kept informed of the party responsible, including contact name and details, when these details change thereafter, and such approved measures shall thereafter be implemented in full. Reason: To ensure satisfactory future maintenance of the sustainable drainage structures in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029; |
| (11) | the development hereby permitted shall not be occupied 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. The approved scheme shall be implemented in full prior to occupation of any development to the satisfaction of the Local Planning Authority. 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; |
| (12) | within one month of the first use of the car park, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. In order to reduce car travel and increase travel by more sustainable transport modes, the Plan shall specify targets for mode share shifts to be achieved and a time period to achieve this from the use of the development. The Plan shall be implemented and monitored in accordance with its terms. In the event of failing to meet these targets, a revised Plan shall be submitted to and be approved in writing by the Local Planning Authority to address any shortfalls and where necessary make provision for and promote improved sustainable forms of access to the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority. Reason: In the interest of |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029; |
| (13) | the development hereby permitted shall not be occupied unless and until the external cladding shown on the approved plans has been installed in full. Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; and |
| (14) | a condition to provide landscaping around the car park to act as screening. |

141. **W/22/1889 – Green Acres, 34 Bridge Street, Barford**

The Committee considered an application from Mr and Mrs Locker to raise the existing roof to enable a loft conversion with new dormer windows; a single storey rear extension with swimming pool; a two-storey extension to the side; and a new render finish with timber cladding.

The application was presented to Committee because of a recent refusal at a committee meeting held in November 2022.

The officer was of the opinion that the proposals did not result in unacceptable impact on the street scene, amenity of neighbouring occupiers nor did they unacceptably impact protected species. The proposal was considered to satisfy the criteria of Local Plan Policies HE1, BE3 and NE2 and Neighbourhood Plan Policies B6 and B8. It was recommended that planning permission should be granted.

Members considered that there was insufficient information provided to determine a decision on the application. The Development Manager advised that the Committee might consider deferring a decision pending the provision of additional information from the applicant. Members requested detailed drawings showing where shadows fell as the sun moved through the day, especially in respect to the windows. They also requested information on the planning regulations that should be considered.

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

The Committee therefore

Resolved that W/22/1889 be **deferred** until officers obtained further information on the impact on the

PLANNING COMMITTEE MINUTES (Continued)

amenity of the neighbouring property. Detailed illustrations and plans with measurements were requested to show where shadows fell as the sun moved through the day, and the relation to windows. Information was requested on the relevant planning regulations to be considered.

142. Planning Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 9.39pm)

CHAIRMAN
23 May 2023

Planning Committee

Minutes of the meeting held on Tuesday 28 March 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Committee Services Officer – Sophie Vale; Legal Advisor – Sue Mullins; Business Manager – Sandip Sahota; and Principal Planning Officer – George Whitehouse.

143. **Apologies and Substitutes**

- a) Apologies for absence were received from Councillors Ashford, Noone, and Skinner; and
- b) There were no substitutes.

144. **Declarations of Interest**

Minute Number 146 - W/22/1558 – 18-24 The Square, Kenilworth

Councillor Jacques declared an interest because he had sat on the Licensing & Regulatory Panel which had determined the premises licence application for this site. However, there were materially different considerations when determining a planning application, meaning that he was not barred from participating in this item. He stated that he was willing to be open-minded and listen to the debate before voting on the application.

145. **Site Visits**

Minute Number 144 – W/22/0400 - Land at Goggbridge Lane, Hampton Road, Warwick

Councillor Jacques made an independent site visit to this location.

Minute Number 146 – W/22/1558 - 18-24 The Square, Kenilworth

Councillor R Dickson made an independent site visit to this location.

Minute Number 148 – W/22/2000 - 149-151 Warwick Road, Kenilworth

Councillor R Dickson made an independent site visit to this location.

146. **W/22/0400 – Land at Goggbridge Lane, Hampton Road, Warwick**

The Committee considered an application from Taylor Wimpey UK Ltd for the development of 69 dwellings with access parking and associated infrastructure.

The application had been referred to the Planning Committee because of the number of objections and an objection from Warwick Town Council having been received.

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the loss of employment land was justified in this case and the development of this site for the construction of 69 dwellings, together with the necessary infrastructure and associated works, was considered to be acceptable in principle in accordance with Local Plan Policy DS11.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The situation concerning potential noise levels from the A46 and their impact on some of the proposed dwellings was recognised. However, when balanced against the other aspects of the scheme, it was not considered to be sufficient for an objection to be raised to the proposal.

The proposals would have a positive impact on the character and appearance of the area. Additionally, the proposals were considered to be acceptable in terms of car parking and highway safety.

Furthermore, the proposals were considered to be acceptable in ecological terms and there were a number of necessary and relevant conditions recommended in the event that permission was forthcoming which would ensure that any possible impacts of the development were adequately mitigated.

Overall, the development was considered to accord with all relevant provisions of the Development Plan and for these reasons, it was therefore recommended that planning permission be granted.

The following people addressed the Committee:

- Councillor Butler, Warwick Town Council, speaking in objection;
- Ms Wright, speaking in objection; and
- Ms Griffiths, speaking in support.

An addendum circulated prior to the meeting advised that:

- Recommended Condition 2 (approved plans) had not been populated in the Committee Report. In the event that the application was approved by Members, this would be updated to reflect the up-to-date documents as shown on the Council's website.
- A further response from the Lead Local Flood Authority had been received in which they expressed their view that their preference would be for the required hydraulic modelling to be undertaken prior to determination of the application. However, they requested that should the application progress to Planning Committee in advance of that, the following conditions and notes be added:
 - Condition: No development shall commence until a hydraulic model representing overland flow paths and surface water flooding, along with any details regarding mitigation measures have been submitted to and approved by the LPA, in consultation with the LLFA.

PLANNING COMMITTEE MINUTES (Continued)

- Condition: No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA.
 - Condition: No occupation of the development shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority.
 - Condition: No occupation and subsequent use of the development shall take place until a detailed, site-specific maintenance plan is provided to the LPA in consultation with the LLFA.
 - Notes regarding advice relating to the detailed design of the development.
- No further requests for S106 Agreement contributions had been received.

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

The Committee therefore

Resolved that W/22/0400 be **refused**, contrary to the recommendation in the report, for the following reasons:

1. BE3 amenity in terms of open space, noise, air pollution, light and outlook;
2. lack of evidence to demonstrate compliance with policy FW1, due to the absence of hydraulic modelling, as requested by Warwickshire County Council's Flood Risk Management Team; and
3. sufficient weighting had not been demonstrated for change of use from employment land contrary to policy EC3.

147. W/22/0830 – 90 Nelson Lane, Warwick

The Committee considered an application from Sunkari Ltd SSAS and First One Ltd for the demolition of existing buildings, erection of eight dwellings and associated external works.

The application had been referred to the Planning Committee because of an objection from Warwick Town Council having been received.

The officer was of the opinion that the development was located within the urban area where housing was considered acceptable in principle, and it had been demonstrated that the site was not suitable for employment uses.

PLANNING COMMITTEE MINUTES (Continued)

The proposal had been assessed and was considered acceptable having regard to the impact on the character and amenity of the local area and the Canal Conservation Area, the impact on the amenity of neighbours and future occupiers, highway safety, ecological matters, impact on trees and drainage and flooding. It was considered that site specific matters could be adequately controlled by condition.

For the above reasons, officers recommended that the application be granted, subject to conditions.

An addendum circulated prior to the meeting advised that:

- three additional objections had been received, which raised the following issues:
 - request for Councillors to drive down Nelson Lane during the day;
 - Highways concerns:
 1. Access for large vehicles
 2. Poor visibility at existing junction
 3. Parking restrictions should be put in place on local roads
 4. Safety concerns for children; and
- due to a technical issue the numbering of the conditions in the committee report was incorrect and condition 15 was not populated in full. The numbering for the conditions had now been corrected and the full wording for condition 15 was set out below:

*15. Prior to the occupation of the dwellings hereby permitted, a detailed maintenance plan, written in accordance with CIRIA C753, shall be submitted to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan. The surface water systems shall be maintained as detailed within the approved plan thereafter. **Reason:** To ensure the future maintenance of the sustainable drainage structures and to prevent the increased risk of flooding, improve and protect water quality and improve habitat and amenity in accordance with Policies FW1, FW2 and NE2 of the Warwick District Local Plan 2011-2029.*

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Jacques and seconded by Councillor Gifford that the application be granted in line with the recommendations in the report and the amendments contained in the addendum.

The Committee therefore

Resolved that W/22/0830 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.

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
(2)	<p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings and specification contained therein:</p> <ul style="list-style-type: none">- 4721-101, received on 17/05/2022;- 4721-102, received on 17/05/2022;- 4721-112, received on 17/05/2022;- 4721-113 Rev D, received on 13/03/2023;- 4721-114 Rev B, received on 13/03/2023;- 4721-115 Rev B, received on 13/03/2023;- 4721-120 Rev B, received on 13/03/2023;- 4721-200 Rev P0, received on 17/05/2022;- 210 Rev P1, received on 12/10/2022;- 1970_066_PL01, received on 24/08/2022;- Design and Access Statement by Robothams, received on 17/05/2023;- Flood Risk Assessment by Couch Consulting Engineers Revision P01, dated February 2022, received on 17/05/2022;- Document titled, 'Greenfield runoff rate' by HR Wallingford, dated 14th February 2022, received on 17/05/2022;- Noise Assessment by Noise Consultants Ltd, report number J20-13085A-20/F2, dated 6 May 2022, received on 17/05/2022;- Planning Statement, by Marrons Planning, received on 17/05/2022;- Preliminary Ecological Appraisal by Midland Ecology, dated 19th April 2022, received on 17/05/2022;- Document titled 8132 – Storm Water Calcs by Couch Consulting Engineers, dated 15/02/22, received on 12/10/2022;- Transport Statement, reference DN/KH/23567-01a, dated 9th February 2022, received on 17/05/2022;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <ul style="list-style-type: none">- Biodiversity Net Gain Assessment by Logika Consultants, document number 13085A-R01-01-F2, received on 24/08/2022;- Document titled 'Soakaway Testing – 90 Nelson Lane, Warwick', dated 8th September, reference AG3368A-22-AP18, received on 12/10/2022; and- Biodiversity Metric 3.1 Spreadsheet, Project name 13085A 90 Nelson's Road, dated 28/07/2022, received on 13/10/2022. |
| | <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (3) | <p>no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (4) | <p>no ground works shall commence until foundation details and a method statement has been submitted to and approved in writing by the Local Planning Authority. The foundations details and method statement shall as a minimum:</p> <ul style="list-style-type: none">- Show the location, depth, distance from the waterway, and method of construction of any proposed foundations. Suitably scaled cross-sections should be provided, including the canal, with measurements shown.- Show the depth of any proposed excavations and any other earthworks, their distance from the waterway, and the method of excavation. Suitably scanned cross-sections should be provided, including the canal, with measurements shown.- Demonstrate the adoption and use of the best practicable means to control the effects on the stability of the |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>waterway of any excavation, piling, storage of materials and waste, siting of construction plant (including vehicles and cranes), and vibrations resulting from any construction activities. A plan should be provided showing the proposed location of materials and waste storage, and the locations of any plant and construction vehicles.</p> <p>No development shall be carried out other than in accordance with the approved foundation details and method statement.</p>

Reason: In the interests of protecting the structural stability of the waterway during construction in accordance with the aims of the National Planning Policy Framework paragraphs 174 (e), 183 (a) and 184;

- (5) no development, including demolition and site preparation, shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall as a minimum:
- Demonstrate the adoption and use of the best practicable means to control the environmental risks to the canal arising from any construction activities, during and after development in accordance with NPPF, ODPM Circular 2005/06 and to comply with guidance within the Water Framework Directive. The CEMP should include:
 - Proposed management of airborne debris during construction to prevent the transport of debris into the waterway; and
 - Proposed management of surface water during construction to prevent surface water transporting sediment and debris into the waterway.

The Environment Agency can provide further details if required. There should be a buffer zone of at least 8 metres between the edge of the watercourse, (i.e. the top of the bank), and the development.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>No development shall be carried out other than in accordance with the approved Construction Environment Management Plan.</p> <p>Reason: In the interests of protecting the canal from pollution during construction, and protecting the nature conservation and biodiversity value of the canal corridor in accordance with the aims of the National Planning Policy Framework paragraph 174 (a), (b), (d) and (e), and in accordance with Warwick District Local Plan Policies NE1, NE2 and NE3;</p> |
| (6) | <p>the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.</p> <p>Reason: To ensure a net biodiversity gain in accordance with NPPF;</p> |
| (7) | <p>no development shall commence unless and until a scheme ("the scheme") to ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include:</p> <ul style="list-style-type: none">(1) Proposals for on-site mitigation and/or for any off-site offsetting;(2) A methodology for the identification of any receptor site(s) for offsetting measures; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>(3) The identification of any such receptor site(s);</p> <p>(4) The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and</p> <p>(5) A management and monitoring plan (to include for the provision and long term maintenance of any offsetting measures in perpetuity).</p> <p>The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.</p> <p>Reason: To ensure a net biodiversity gain in accordance with NPPF and ODPM Circular 06/2005;</p> |
| (8) | <p>no part of the development hereby permitted shall be commenced until a scheme for the provision of 2 bat boxes and 2 bird boxes to be erected on buildings within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.</p> <p>Reason: To ensure a net biodiversity gain in accordance with NPPF and ODPM Circular 06/2005;</p> |
| (9) | <p>the development hereby permitted shall not commence until:</p> <ul style="list-style-type: none">a) A desk-top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.b) If identified as being necessary having completed the desk-top |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

survey study, a site investigation 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 local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
 - An appropriate gas risk assessment to be undertaken
 - Refinement of the conceptual model
 - The development of a method statement detailing the remediation requirements
- c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
- d) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

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

If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.</p> <p>Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.</p> <p>Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (10) | <p>the development hereby permitted shall not commence until a detailed surface water drainage scheme for the site, based on the approved FRA (Revision P02 dated 08.11.2022), and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme to be submitted shall:</p> <ul style="list-style-type: none">• Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 0.50l/s for the site.• Provide provision of surface water attenuation storage as stated within the FRA of 48m³ and/ or in accordance with 'Science Report SC030219 Rainfall Management for Developments'.• Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design. This includes permeable |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>paving and a bioretention system (rain garden).</p> <ul style="list-style-type: none"><li data-bbox="804 255 1382 465">• Assess potential water quality hazards and provide appropriate mitigation where required. This can be done through using the Simple Index Approach (CIRIA C753 SuDS Manual).<li data-bbox="804 472 1382 645">• Calculations and plans provided should also be cross referenceable, with details such as dimensions and levels of drainage components consistent.<li data-bbox="804 651 1423 1252">• Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network. Whilst a developer enquiry has been provided, this is dated January 2022. As developer enquiries are valid for 6 months, updated correspondence from Severn Trent Water is required. A developer enquiry should progress to a S106 agreement at the discharge of conditions stage. Reason To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

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

- (11) the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.</p> <p>Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;</p> |
| (13) | <p>no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until a Tree Protection Plan detailing methods of protecting the overhanging trees on any neighbouring sites has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be carried out as agreed prior to commencement of development or other operations (including demolition, site clearance or other preparatory works) and remain in place for the full duration of any such construction work.</p> <p>Reason: In order to protect and preserve existing trees which overhang the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;</p> |
| (14) | <p>notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance, preparation works or demolition works, a Sustainability Statement including a programme of</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;</p> <ul style="list-style-type: none">a) How the development will reduce carbon emissions and utilise renewable energy;b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;c) Details of the building envelope (including U/R values and air tightness);d) How the proposed materials respond in terms of embodied carbon;e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

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

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

- (15) prior to the occupation of the dwellings hereby permitted, a detailed maintenance plan, written in accordance with CIRIA C753, shall be submitted to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan. The surface water systems shall be maintained

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	as detailed within the approved plan thereafter. Reason: To ensure the future maintenance of the sustainable drainage structures and to prevent the increased risk of flooding, improve and protect water quality and improve habitat and amenity in accordance with Policies FW1, FW2 and NE2 of the Warwick District Local Plan 2011-2029;
(16)	no development shall take place above slab level until details of all external light fittings and external light columns including location, height from ground level, luminance in candelas, horizontal spread, hours of operation have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted in proximity to trees, hedges and the proposed bat boxes and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways: <ul data-bbox="804 1182 1401 1570" style="list-style-type: none">• Lighting should be directed away from vegetated areas• Lighting should be shielded to avoid spillage onto vegetated areas• The brightness of lights should be as low as legally possible• Lighting should be timed to provide some dark periods• Connections to areas important for foraging should contain unlit stretches.
	Any external lighting proposed should be designed in accordance with the principles set out on page 22 of the Preliminary Ecological Appraisal and should confirm to the protocols set out in Guidance Note 08/18 – Bats and Artificial Lighting in the UK (BCT and ILP, 2018)
	Reason: To safeguard the population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029 and in the

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | interests of protecting the nature conservation value of the canal, and in the interests of preserving the character and appearance of the canal. This is in accordance with the aims of the National Planning Policy Framework paragraph 185 (c), and in accordance with Warwick District Local Plan Policies NE1, NE2 and NE3; |
| (17) | <p>the development shall not be occupied until the vehicular access into the application site have been provided, as shown indicatively on Drawing Number 4271-113 Rev D and constructed to the standard specification of the Local Highway Authority.</p> <p>Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (18) | <p>the development shall not be occupied until space has been provided within the site for the parking of vehicle types in accordance with Drawing Number 4271- 113 Rev D and construction details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.</p> <p>Reason: In the interests of highway safety, the free flow of traffic and local parking conditions, in accordance with Policy TR1 and TR3 of the Warwick District Local Plan 2011-2029;</p> |
| (19) | <p>prior to the occupation of the dwellings hereby permitted, the noise mitigation measures shall be carried out as recommended and detailed within the report J20-13085A-20/F2 by Noise Consultants Limited dated 6th May 2022, received on 14/07/2022. The mitigation measures shall be retained thereafter and shall not be altered in any way unless agreed in writing by the local planning authority.</p> <p>Reason: To ensure satisfactory living conditions for future occupiers of the dwellings, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (20) | <p>the development hereby permitted, including all demolition and construction works, shall be completed in accordance with Warwick District Council's construction guidelines available on our website at:</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>https://www.warwickdc.gov.uk/download/downloads/id/5812/construction_site_working_-_guidance_for_contractors.pdf</p> <p>Reason: In the interests of the amenities of the occupiers of nearby properties, in accordance with Policies BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (21) | <p>prior to the occupation of the dwellings hereby permitted, one 16amp (minimum) electric vehicle recharging point per dwelling shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging points has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).</p> <p>Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;</p> |
| (22) | <p>the development hereby permitted shall not be occupied unless and until details of accessible, covered, secure bicycle parking facilities (both shared facilities and those in the rear garden area of unit 8) have been submitted to and approved in writing by the Local Planning Authority. Thereafter those facilities shall be retained.</p> <p>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;</p> |
| (23) | <p>the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(24)	<p data-bbox="756 190 1402 680">110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.</p> <p data-bbox="756 689 1402 857">Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029; and</p> <p data-bbox="756 898 1418 1285">the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.</p> <p data-bbox="756 1328 1418 1536">No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.</p> <p data-bbox="756 1579 1390 1747">Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.</p> <p data-bbox="756 1789 1406 1995">Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.</p>

PLANNING COMMITTEE MINUTES (Continued)

148. **W/22/1558– 18-24 The Square, Kenilworth**

The Committee considered an application from JD Wetherspoons PLC for change of use from retail (Use Class E) to Public House/ restaurant (Sui Generis/ Class E) together with the provision of external terrace, acoustic screening and canopy to the rear; demolition of a concrete delivery canopy and roller shutter doors; alterations to the front & rear fenestration; and installation of plant equipment (resubmission of application ref. W/22/1242).

The application had been referred to the Planning Committee because of the number of objections received.

The officer was of the opinion that the development was located within Kenilworth Town Centre where restaurant and drinking establishment uses were considered acceptable in principle. The proposal had been assessed and was considered acceptable having regard to the impact on the character and amenity of the local area, the impact on the amenity of neighbours, highway safety, ecological matters and all other matters. It was considered that site specific matters can be adequately controlled by condition. For the above reasons, officers recommended that the application be granted, subject to conditions.

Following consideration of the report and presentation, it was proposed by Councillor Quinney and seconded by Councillor Murphy that the application be granted in line with the recommendations in the report.

The Committee therefore

Resolved that W/22/1558 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | the development hereby permitted shall begin not later than three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings and documents and specification contained therein:

-7591-00, received on 28/09/2022;
-7591-001 Rev B, received on 28/09/2022;
-7591-002 Rev B, received on 28/09/2022;
-7591-003 Rev B, received on 28/09/2022;
-7591-004 Rev G, received on 05/12/2022;
-7591-005 Rev D, received on 05/12/2022;
-7591-006, received on 28/09/2022;
-7591-007, received on 28/09/2022; |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>-7591-008 Rev B, received on 28/09/2022; -7591-009 Rev C, received on 06/03/2023; -7591-01, received on 28/09/2022; -7591-014, received on 28/09/2022; -7591-015, received on 28/09/2022; and -7591-017, received on 03/03/2023.</p> <ul style="list-style-type: none">• Document titled, 'JD Wetherspoon 18-24 The Square, Kenilworth. Appendix 3: Risk Assessment for Odour', received on 28/09/2022• Planning Statement, reference n1963, dated September 2022, received on 28/09/2022• Document titled, 'Kitchen extract odour control system at JD Wetherspoon 18-24 The Square, Kenilworth, CV8 1EB' by APL Mechanical Services, received on 05/12/2022• Planning Noise Impact Statement by Spectrum Acoustic Consultants, reference RK3443/22263/Rev2, dated 02/12/2022, received on 05/12/2022

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

- (3) no works of demolition or construction shall be undertaken unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles during construction, dust suppression, noise and vibration, demolition or clearance works, site working hours and delivery times, restrictions on burning and details of all temporary contractors' buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan.

Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029; |
| (4) | <p>no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (5) | <p>the opening hours of the premises shall be as follows:</p> <ul style="list-style-type: none">• Sunday to Thursday – 0700 to 2330• Friday/Saturday – 0700 to 0030• Christmas Eve/New Year’s Eve – 0700 to 0130• Boxing Day/Sundays before Bank Holidays – 0700 to 0030 <p>Reason: To ensure that the site is not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (6) | <p>the development hereby permitted shall be carried out strictly in accordance with the mitigation proposals as set out in the ‘Planning Noise Impact Assessment: Report RK3443/22263/Rev 2’ produced by Spectrum Acoustic Consultants and dated 2nd December 2022, submitted to the local planning authority on 5th December 2022.</p> <p>Reason: To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (7) | noise arising from any plant or equipment (measured as LAeq,5 minutes), when |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.
Reason: To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (8) | no deliveries, waste collections or similar noisy external activities likely to cause nuisance to nearby residents shall take place before 0800 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays.
Reason: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (9) | no live or recorded music (except for background music) or any other form of amplified entertainment shall take place at the premises unless and until:
<ul style="list-style-type: none">a) a noise assessment has been undertaken to assess the impact of entertainment noise on adjoining and nearby residential premises; andb) the results of the noise assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority. |

Upon approval, any mitigation measures required by criteria (b) shall be implemented in full and retained at all times thereafter and shall not be altered in any

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

way without the prior written approval of the local planning authority.

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

- (10) the development shall be carried out strictly in accordance with the odour mitigation proposals as set out in the 'Kitchen extract odour control system details report: Rev A' produced by APL Mechanical Services, submitted to the local planning authority on 5th December 2022.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

149. **W/22/1889– Green Acres, 34 Bridge Street, Barford, Warwick**

The Committee considered an application from Mr & Mrs Locker for the raising of the existing roof to enable a loft conversion with new dormer windows, a single storey rear extension with a swimming pool, a two-storey extension to the side, a new render finish with timber cladding, and a new detached garage to frontage.

The application had been referred to the Planning Committee because of a recent refusal at a committee meeting (15/11/2022). The application was deferred at the Planning Committee meeting on 28 February 2023 for officers to obtain further information on the impact on the amenity of the neighbouring property. The application had subsequently been amended to change the element adjacent to the neighbour from a pitched roof to a flat roof to reduce the impact.

The officer was of the opinion that the proposals did not result in unacceptable impact on the street scene, amenity of neighbouring occupiers nor did they unacceptably impact protected species. The proposal was considered to satisfy the criteria of Local Plan Policies HE1, BE3 and NE2 and Neighbourhood Plan Policies B6 and B8. It was recommended that planning permission be granted subject to conditions.

Following consideration of the report and presentation, it was proposed by Councillor Jacques and seconded by Councillor Gifford that the application be granted in line with the recommendations in the report.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/22/1889 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | <p>the development hereby permitted shall begin not later than three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p> |
| (2) | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 4115-02V, 4115-03K, and specification contained therein, submitted on 30/11/2022 & 08/03/2023.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (3) | <p>no part of the development hereby permitted shall be commenced until a scheme for the provision of 1 bat box and 2 bird boxes to be erected on buildings within the site has been submitted and approved in writing by the Local Planning Authority. This shall include details of box type, location, and timing of works. The development shall not be occupied until the boxes have been installed in strict accordance with the approved details. Thereafter the boxes shall be retained and maintained in perpetuity.</p> <p>Reason: To ensure net gains in biodiversity and mitigation for protected species, in accordance with Local Plan Policy NE2, the NPPF and ODPM Circular 2005/06; and</p> |
| (4) | <p>no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.</p> |

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Mr Muthalagappan for the demolition of the existing hotel and 151 Warwick Road, and the construction of four dwellings and five apartments (resubmission of application ref. W/22/1450).

The application had been referred to the Planning Committee because of the number of objections received.

The officer was of the opinion that the proposed development was considered to adopt a good standard of design that responded harmoniously with the wider street scene and surrounding form. While adopting a contemporary design approach, the development would respect local architecture bordering the site, and was not viewed to result in the generation of harm to the nearby Conservation Area.

The development was viewed acceptable in terms of amenity, preserving neighbouring light, outlook and privacy to an appropriate degree, despite the remodelled layout and massing of buildings within the site. Similarly, the proposal would provide acceptable living conditions for future occupiers of the site with regard to light, outlook and access to amenity space. An acceptable access arrangement had been proposed which catered for both vehicles and pedestrians, and an appropriate level of cycle and car parking had been detailed within the development.

The provision of nine residential units in a sustainable urban location was considered a further benefit of the scheme that weighed in its favour. While the neighbour comments submitted in objection to the proposal had been carefully considered, officers viewed that the proposed layout formed a well-designed and suitably scaled redevelopment of the hotel site that did not result in material harm.

It was therefore recommended that the application be approved.

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

The Committee therefore

Resolved that W/22/2000 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | the development hereby permitted shall begin not later than three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved site location |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>plan '1275.01' submitted on the 20th December 2022, drawings '1275.17A' submitted on the 11th January 2023, '1275.20A' submitted 17th February 2023, '1275.18B, '1275.19B' submitted 2nd March 2023, '1275.15G', 'SK01 1650 REV.H' submitted on the 9th March 2023, and specification contained therein.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (3) | <p>notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance, preparation works or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;</p> <ol style="list-style-type: none">a) How the development will reduce carbon emissions and utilise renewable energy;b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;c) Details of the building envelope (including U/R values and air tightness);d) How the proposed materials respond in terms of embodied carbon;e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, |

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

Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | Warwick District Local Plan (2011-2029) and National Design Guidance (2019); |
| (4) | <p>the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.</p> <p>Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;</p> |
| (5) | <p>no development above slab level shall take place unless and until an environmental noise assessment has been carried out by a competent person and a report of that assessment together with recommendations for any necessary mitigation measures to comply with BS 8233:2014 and the World Health Organisation guidelines for community noise (1999) has been submitted to and approved in writing by the local planning authority. Thereafter the approved details</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>shall be carried out strictly in accordance with all recommendations contained within the approved noise report, prior to the first occupation of the development hereby permitted. Thereafter the mitigation measures shall be maintained in accordance with the approved details.</p> <p>Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (6) | <p>the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: details of any temporary measures required to manage traffic during construction; plans and details for the turning, loading and unloading of vehicles within the site during construction; details of demolition or clearance works; restrictions on burning; details of all temporary contractors buildings; the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.</p> <p>Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029; |
| (7) | no development above slab level shall take place until: <ol style="list-style-type: none">a) A desk-top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.b) If identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:<ul style="list-style-type: none">- A risk assessment to be undertaken relating to human health- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected- An appropriate gas risk assessment to be undertaken- Refinement of the conceptual model- The development of a method statement detailing the remediation requirementsc) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.d) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site. All development of the site shall accord with the approved method statement.

If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.

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

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

- (8) no development shall take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
 - b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	for the deposition of the archaeological archive, has been submitted to the planning authority.
c)	An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation. The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

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

- (9) the access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

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

- (10) the development hereby permitted shall be carried out in full accordance with the recommendations for bats and birds contained in section 5 of the Phase 1 Bat & Nesting Bird Survey report by Ridgeway Ecology, report dated 23 May 2022 and amended 16 December 2022.

Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (11) | no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (12) | <p>the development hereby permitted shall not be occupied unless and until:</p> <p>(a) details of a biodiversity enhancement scheme have been submitted to and approved in writing by the local planning authority (The scheme is to include provision for bats, nesting birds and access gaps for hedgehogs in any new fencing); and</p> <p>(b) the biodiversity enhancement measures approved under (a) have been completed in strict accordance with the approved details, with the exception of any planting, which must be completed within the first planting season following first occupation.</p> <p>The biodiversity enhancement measures shall thereafter be retained and maintained in strict accordance with the approved details in perpetuity.</p> <p>Reason: To ensure net gains in biodiversity, in accordance with the requirements of the NPPF;</p> |
| (13) | <p>no development above slab level shall take place unless and until:</p> <p>a) an overheating assessment has been undertaken in accordance with the Chartered Institution of Building Services Engineers Technical Memorandum 59; and</p> <p>b) the results of the assessment carried out to comply with criteria (a), together with any necessary mitigation measures, have been submitted to and approved in writing by the district planning authority.</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | Any mitigation measures approved under (b) shall be implemented in full and shall be retained at all times thereafter. The approved mitigation measures shall not be removed or altered in any way without the prior written approval of the district planning authority.
Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (14) | 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; |
| (15) | prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).
Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document; |
| (16) | the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;

- (17) the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.

Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029; |
| (19) | the development hereby permitted shall not be occupied unless and until the approved cycle parking facilities have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times.
Reason: In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029; and |
| (20) | 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 development shall take place which falls within Part 1, Classes A, AA, B, C, D, E, or F of this Order.
Reason: Due to the nature of the application site and its relationship with adjoining properties it is considered necessary to ensure that no additional development is carried out without the permission of the Local Planning Authority in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029. |

151. **W/23/0018 – 7 Almond Grove, Warwick**

The Committee considered an application from Mr Sittambalam for the erection of two-storey front and rear extensions.

The application had been referred to the Planning Committee because of an objection from Warwick Town Council having been received.

The officer was of the opinion that the proposal was considered to constitute good quality design and to have an acceptable impact on the amenity of the neighbours and the current and future occupiers of the dwelling. The proposal was considered to satisfy the criteria of Local Plan Policies BE1, BE3 and the Residential Design Guide SPD.

An addendum circulated prior to the meeting advised of minor changes to the plans.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Jacques and seconded by Councillor Gifford that the application be granted in line with the recommendations in the report.

The Committee therefore

Resolved that W/22/0018 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | <p>the development hereby permitted shall begin not later than three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p> |
| (2) | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings ALM 04A, ALM 05A, ALM 06A, ALM 07B, and specification contained therein, submitted on 06/02/2023 and 08/03/2023.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (3) | <p>all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building.</p> <p>Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (4) | <p>prior to the occupation of the development hereby permitted, the two additional first-floor windows in the east elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times.</p> <p>Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029; and |
| (5) | the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.
Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029. |

152. **W/23/0035 – 13 Hall Close, Stoneleigh**

The Committee considered an application from Mr Bal for the erection of a single-storey rear and side extension.

The application had been referred to the Planning Committee because of an objection from Stoneleigh and Ashow Parish Council having been received.

The officer was of the opinion that there would be no harm to the openness of the Green Belt, general character of the surrounding area and no harm to neighbouring amenity. Therefore, it was recommended that planning permission be granted.

Following consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Dickson that the application be granted in line with the recommendations in the report.

The Committee therefore

Resolved that W/23/0035 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall begin not later than three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 01-01-23 04C, 01-01-23 05 C, 01-01-23 06 C, and specification contained therein, submitted on 08/03/2023. |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | 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) | notwithstanding the provisions of Schedule 2, Part 1, Class A 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 part of the dwellinghouse shall be clad in timber other than as shown on the approved drawings.
Reason: To secure a satisfactory form of development in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029. |

(The meeting ended at 8.03pm)

CHAIRMAN
23 May 2023

Planning Committee

Minutes of the meeting held on Tuesday 25 April 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Principal Committee Services Officer – Rob Edwards; Legal Advisor – Ross Chambers; Development Manager - Gary Fisher; Principal Planning Officer - Lucy Hammond; Planning Assistant - Theo Collum; and Planning Assistant - James Moulding.

153. Apologies and Substitutes

- a) Apologies for absence were received from Councillors Noone and Skinner.
- b) There were no substitutes.

154. Declarations of Interest

Minute Number 157 – W/22/1762 – 41 Portland Street, Royal Leamington Spa & Minute Number 128 – W/22/1763 LB – 41 Portland Street, Royal Leamington Spa

Councillor Gifford declared an interest because he knew the applicant, and he left the meeting during these items.

155. Site Visits

Minute Number 156 - W/21/1280 – Land South of Westwood Heath Road, Burton Green

Councillors Dickson and Kennedy made independent site visits to this location.

156. Minutes

The minutes of the meeting held on 10 January 2023 were taken as read and signed by the Chairman as a correct record.

157. **W/23/0089 – 83 Whitnash Road, Whitnash**

The Committee considered an application from Mr Raynor for minor repairs to specific areas of timber framing, relaying of a single storey mono pitched roof, improvement of drainage of paving to the east, raising and renewal of the modern stair balustrade, plastering over of modern decorative internal masonry, renewal of bathroom fittings, and internal and external redecoration.

The application had been referred to the Planning Committee because of the number of comments in support, and the application was recommended for refusal.

PLANNING COMMITTEE MINUTES (Continued)

The Conservation Officer was of the opinion that any increase in height to the existing extension would only compound and increase the harm to the modest historic core of the building.

The proposal was not considered to be subservient, respectful of the surrounding buildings in terms of scale and massing or reflect the local architectural and historical distinctiveness. The proposal was therefore considered to contravene Local Plan Policies BE1, HE1, and Whitnash Neighbourhood Plan Policies W3 and W4.

The proposal would also be considered contrary to the Residential Design Guide SPD by introducing a two-storey flat roof. While this feature was existing the proposed increase in height would be considered to increase the harm.

The Local Planning Authority would support the restorative and repair works proposed in the rest of the application and did not believe that the proposed extension was required to facilitate this.

The following people addressed the Committee:

- Mr Raynor, the applicant;
- Mr Thompson, supporting; and
- Councillor Falp, District Councillor, speaking in support.

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

The Committee therefore

Resolved that W/23/0089 be **refused** because of the following reasons:

- (1) Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policies W3 and W4 set out a number of design characteristics that should be upheld to retain the unique features and character of both the Whitnash Conservation Area and locally listed heritage assets.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of raising the height of the two-storey rear extension. This addition is

PLANNING COMMITTEE MINUTES (Continued)

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

The development is thereby considered to be contrary to the aforementioned policies; and

- (2) Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good design. The Council has also adopted The Residential Design Guide as a Supplementary Planning Document (SPD).

In the opinion of the Local Planning Authority, the proposed increase in height of the existing two storey rear extension with a flat roof constitutes poor design, failing to respect the scale, design and character of the original property. As proposed, the eaves of this extension would be raised above the eaves of the original dwellinghouse, resulting in the extension no longer being subservient to the main dwellinghouse. Additionally, the proposed two storey flat roof would contravene the Residential Design Guide SPD. The extension is not considered to harmonise with the character of the existing dwelling nor the streetscene, nor add to the overall quality of the area.

The proposal is therefore contrary to the NPPF, Policy BE1 and the Residential Design Guide SPD which promotes good design.

158. W/23/0090 LB – 83 Whitnash Road, Whitnash

The Committee considered an application from Mr Raynor for minor repairs to specific areas of timber framing, relaying of a single storey mono pitched roof, improvement of drainage of paving to the east, raising and renewal of the modern stair balustrade, plastering over of modern decorative internal masonry, renewal of bathroom fittings, and internal and external redecoration.

The application had been referred to the Planning Committee because of the number of comments in support, and the application was recommended for refusal.

The Conservation Officer was of the opinion that any increase in height to the existing extension would only compound and increase the harm to the modest historic core of the building.

PLANNING COMMITTEE MINUTES (Continued)

The proposal was not considered to be subservient, respectful of the surrounding buildings in terms of scale and massing or reflect the local architectural and historical distinctiveness. The proposal was therefore considered to contravene Local Plan Policies BE1, HE1, and Whitnash Neighbourhood Plan Policies W3 and W4.

The proposal would also be considered contrary to the Residential Design Guide SPD by introducing a two-storey flat roof. While this feature was existing the proposed increase in height would be considered to increase the harm.

The Local Planning Authority would support the restorative and repair works proposed in the rest of the application and did not believe that the proposed extension was required to facilitate this.

The following people addressed the Committee:

- Mr Raynor, the applicant;
- Mr Thompson, supporting; and
- Councillor Falp, District Councillor, speaking in support.

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

The Committee therefore

Resolved that W/23/0090 LB be **refused** because Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policy W3 set out a number of design characteristics that should be upheld to retain the unique features and character of both the Whitnash Conservation Area and locally listed heritage assets.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building by reason of raising the height of the two-storey rear extension. This addition is viewed as inappropriate in terms of scale, subservience, and failing to enhance or preserve the historic architectural features of the listed building. No public benefits have been identified to outweigh this harm.

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

PLANNING COMMITTEE MINUTES (Continued)

159. W/21/1280 – Land South of Westwood Heath Road, Burton Green

The Committee considered a Reserved Matters application from Crest Nicholson Operations Limited, pursuant to condition 2 of planning permission W/17/2357 for details of appearance, landscaping, layout and scale of 296 dwellings for the remaining phases 2,3 and 4 of the site, together with public open space, landscaping and associated works.

The application had been referred to the Planning Committee because of the number of objections received, including one from Burton Green Parish Council.

The site edged red formed part of a wider allocated site for housing and mixed-use development. An original hybrid permission was approved in 2018 which established the principle of development for the site, as well as granting in detail the first residential phase of development for 129no. dwellings. Reserved matters approval was now sought for the remaining 296 dwellings which made up phases 2-4 of the site as a whole. This application excluded plans for the convenience store, land for which was reserved and shown on the proposed layout that formed part of this submission.

The officer was of the opinion that the proposed development would provide a high-quality residential environment in accordance with the garden suburbs principles, and which accorded with the principles of the approved Design Code for the wider site. A number of amendments had been made to the layout throughout the course of the application which had sought to address concerns noted by both officers and statutory consultees and the latest series of amendments were found to be acceptable for the reasons set out in the report.

The proposed development would include an appropriate mix of market and affordable housing and acceptable house and layout design solutions, including significant areas of landscaping and an over provision of public open space. There would be no harm arising in terms of neighbour amenity, highway safety or ecology and the standards of amenity for future occupiers were considered to either meet or exceed the guidance. As such, officers considered the scheme therefore complied with the policies listed in the report and accordingly, it was recommended that planning permission should be approved. The benefits of increased energy were not seen to outweigh this harm, and benefits to energy efficiency could also be achieved.

The following people addressed the Committee:

- Mr Aizlewood, objecting; and
- Mr Burrow, the applicant.

An addendum circulated prior to the meeting advised that a final consultation response had been received from WCC Highways on 18 April 2023, confirming no objection to the development subject to additional conditions 7, 8 and 9.

PLANNING COMMITTEE MINUTES (Continued)

The addendum also stated that Condition 1 (approved plans) was updated to reflect latest set of landscaping drawings received on 10 March 2023.

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

The Committee therefore

Resolved that W/21/1280 be **granted** subject to:

- (1) Advisory notes to the applicant as follows:
 - (a) that in pursuance of condition 4 the applicant needs to specify what measures precisely are intended to be used across the development, paying particular regard to the general measures set out in 5.10 of the document entitled 'Design Compliance Statement; June 2021 (Rev.A)' submitted with the application;
 - (b) that in pursuance of condition 2 (in particular hard landscaping details), the applicant needs to be aware there will be a need for car parking for the allotments;
 - (c) an advisory note drawing applicant's attention to the latest comments from the Open Space Officer which offer detailed advice on specific elements of the public open space provision; and
 - (d) an advisory note drawing the applicant's attention to the requirement for shared surfaces/private shared driveways to be surfaced with a permeable material.

(2) the following conditions:

- | No. | Condition |
|------------|--|
| (1) | 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: |

A934_13 and specification contained therein, submitted on 02 July 2021;

A934_12 Rev.A and specification contained therein, submitted on 25 July 2022;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | A934_05 Rev.E; A934_06 Rev.E ; A934_07 Rev.E; A934_08 Rev.E; A934_09 Rev.F and 'House Type Brochure' June 2021: Rev.F and specification contained therein, submitted on 11 October 2022; |
| | DR-0501 S4-P5; DR-0502 S4-P5; DR-0503 S4-P5; DR-0504 S4-P5; DR-0505 S4-P5; A934_02 Rev.J (Sheets 1-3 of 3) and A934_61 Rev.C and specification contained therein, submitted on 25 January 2023; |
| | A934_04 Rev.F and specification contained therein, submitted on 30 January 2023; |
| | A934_71; A934_03 Rev.F and A934_11 Rev.F and specification contained therein, submitted on 06 March 2023; and |
| | DR-0500 S4-P7; DR-0511 S4-P6; DR-0512 S4-P6; DR-0513 S4-P6; DR-0514 S4-P6; DR-0515 S4-P6; DR-0516 S4-P6; DR-0517 S4-P6; DR-0518 S4-P6; DR-0519 S4-P6; DR-0520 S4-P5; DR-0521 S4-P6; DR-0522 S4-P5; DR-0523 S4-P6; DR-0524 S4-P6; DR-0525 S4-P5; DR-0526 S4-P5; DR-0527 S4-P6; DR-0528 S4-P6; DR-0529 S4-P6; DR-0530 S4-P5; DR-0531 S4-P5; DR-0532 S4-P5; DR-0533 S4-P5; DR-0534 S4-P5; DR-0535 S4-P5; DR-0536 S4-P5; DR-0537 S4-P5; and specification contained therein, submitted on 10 March 2023. |
| | Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (2) | notwithstanding the landscaping details submitted, no part of the development hereby permitted shall commence unless and until further landscaping details (both hard and soft) for the allotments illustrated on Drg. No. 03 Rev.F and approved under this application have 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 or gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	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.

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;

(3) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

(4) notwithstanding details contained within the approved documents, no development hereby permitted, other than site clearance and any other preparatory works, shall commence until a Sustainability Statement including an energy hierarchy scheme 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

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	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; h) Details of EV charging points to ensure there is the appropriate provision in line with current policy/SPD,

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

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

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

- (5) 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 on any land between the front or side elevation of any dwelling and any road or footpath.

Reason: Due to the open plan layout of the proposed development it is considered important to ensure that control is maintained over boundary treatments fronting the public highway;

- (6) the garaging and car parking areas for Plots 133, 140, 164, 165, 194, 196, 199, 217, 220, 243, 245, 246, 273, 276, 289, 296, 303, 307, 308, 310, 317, 318, 319, 328, 322, 323, 329, 330, 331, 332, 347, 348, 362, 363, 394, 401, 409 and 425 shall be used for the parking of private

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | vehicles for the benefit of the occupants of those dwellings to which they relate and shall be retained and kept available for such purposes in perpetuity.

Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029; |
| (7) | the development must be laid out in accordance with the following approved drawing: A934 03 Rev.F 'Coloured Planning Layout' dated 02 March 2023.

Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (8) | no structure, tree or shrub shall be erected, planted, or retained within the visibility splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

Reason: in the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and |
| (9) | prior to first occupation, a plan will be required to be submitted detailing the provision and placement of 20mph and 30mph zone signs at the entrance into the 20mph and 30mph areas of the development for the approval of the Local Planning Authority in consultation with the Highway Authority.

Reason: in the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029. |

(Councillor Gifford left the meeting).

160. **W/22/1762 – 41 Portland Street, Royal Leamington Spa**

The Committee considered an application from Mr and Mrs Talbot for replacement windows with specialist slimlite timber sashes to match existing geometry.

The application had been referred to the Planning Committee because of the number of comments in support, and the recommendation was one of refusal.

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the proposals resulted in unacceptable harm to the listed building and its setting and there were no public benefits which were sufficient to outweigh the extent of that harm. The proposals were therefore contrary to Local Plan Policy HE1, and it was recommended that planning permission should be refused.

The following people addressed the Committee:

- Mr Talbot, the applicant; and
- Councillor King, District Councillor, objecting.

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

The Committee therefore

Resolved that W/22/1762 be **refused** because Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Council has also produced guidance on windows in listed buildings.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and Conservation Area by reason of the loss of historic fabric in the form of the existing windows and their replacement with windows of a non-traditional design and appearance. No public benefits have been identified to outweigh this harm.

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

161. W/22/1763 LB – 41 Portland Street, Royal Leamington Spa

The Committee considered an application from Mr and Mrs Talbot for replacement windows with specialist slimlite timber sashes to match existing geometry.

The application had been referred to the Planning Committee because of the number of comments in support, and the recommendation was one of refusal.

The officer was of the opinion that the proposals resulted in unacceptable harm to the listed building and its setting and there were no public benefits which were sufficient to outweigh the extent of that harm. The proposals were therefore contrary to Local Plan Policy HE1, and it was recommended

PLANNING COMMITTEE MINUTES (Continued)

that planning permission should be refused.

The following people addressed the Committee:

- Mr Talbot, the applicant;
- Councillor King, District Councillor, objecting.

Following consideration of the report, presentation, the information contained in the addendum, it was proposed by Councillor Kennedy and seconded by Councillor Ashford that the application be refused.

The Committee therefore

Resolved that W/22/1763 LB be **refused** because Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Council have also produced guidance on windows in listed buildings.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the loss of historic fabric in the form of the existing windows and their replacement with windows of a non-traditional design and appearance. No public benefits have been identified to outweigh this harm.

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

(Councillor Gifford re-joined the meeting).

162. TPO 574 – The Sycamores, Sydenham Drive, Royal Leamington Spa

The Committee considered a confirmation of a Provisional Tree Preservation Order relating to three early mature maple trees.

The three trees in question, because of their position toward the boundary of the site on sloping ground (increasing their visibility), were considered to make a significant contribution toward the public amenity in the surrounding area. They were readily visible from the public realm and were relatively unusual in that there were few trees of such stature and visibility within the area. The Order was served to protect and preserve the public amenity, in accordance with the relevant guidance which set out that:

“Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an

PLANNING COMMITTEE MINUTES (Continued)

Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”

The Order was served to allow the Council some oversight of the work that might be undertaken to the trees and an opportunity to prevent their felling which, in the opinion of the Council, would have a significant negative impact on the local environment and its enjoyment by the public.

The trees had been assessed for their TPO quality using the nationally recognised TEMPO method of assessment. The trees scored 19; the TEMPO guidance was that where the score was 16 or more the making of a TPO was merited (if there were no other mitigating circumstances). In summary, the Council considered it expedient to make a provisional TPO under section 198 of the Town and Country Planning Act.

The two key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order were:

- whether the three trees were of sufficient amenity importance to justify a TPO, and
- whether the public benefit afforded by the three trees outweighed the benefits that any possible further development at the site would provide.

It was not considered that the issues raised in objection to the TPO were sufficient to outweigh the significant visual amenity contribution which the group of three trees made to the surrounding area and therefore it was expedient to confirm this TPO. It was not considered that the issues raised were sufficient to outweigh the benefits afforded by the three trees outweighed any possible further developments.

Mr Russell addressed the Committee, speaking in objection.

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

The Committee therefore

Resolved that TPO 574 be **confirmed**.

144. **Appeals Report**

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

Resolved that the report be noted.

(The meeting ended at 9:00pm)

CHAIRMAN
23 May 2023

Application No: [W 22 / 1728](#)

Town/Parish Council:	Beausale	Registration Date:	31/10/22
Case Officer:	George Whitehouse	Expiry Date:	26/12/22
	01926 456553 george.whitehouse@warwickdc.gov.uk		

Claywood, Clattyland Lane, Beausale, Warwick, CV35 7AF
 Demolition of existing dwelling and outbuildings. Erection of replacement dwelling with all associated works (resubmission of W/21/2243) FOR Mr and Mrs Slatem

This application is being presented to Committee as it has been called in by Councillor Hales

RECOMMENDATION

It is recommended that the application is refused for the reasons set out in this report

DETAILS OF THE DEVELOPMENT

Demolition of existing dwelling and outbuildings. Erection of replacement dwelling with all associated works (resubmission of W/21/2243).

The existing dwelling is a dormer bungalow and has a floor area of 288.2m2 not including a separate outbuilding at the site which has a floorspace of 180m2 and is positioned 6.8 Metres away from the main dwelling at its closest. The eaves height of the dwelling is 2.3m.

The proposed dwelling is predominantly 2 storey with an eaves height of 5.3m and a floorspace of 450.2m2.

The existing and proposed building have volumes of 479.04(m3) and 1042.38(m3) respectively such that the proposed building is of increased bulk and massing relative to the existing building.

THE SITE AND ITS LOCATION

The application site is a dormer bungalow with attached garage within the West Midlands Green Belt. It is set back from the narrow Clattyland Lane and is accessed by a drive shared with the adjacent, family run, commercial enterprise which specialises in the manufacture, servicing and sale of forestry equipment. It is largely surrounded by woodland. A large detached garage has recently been erected within the site and parking is provided to the front of the house.

PLANNING HISTORY

W/21/2243: Withdrawn for: Demolition of existing dwelling and outbuildings.
Erection of replacement dwelling with all associated works

W/20/1987: Lawful Use for: Application for Lawful Development Certificate for proposed erection of outbuilding comprising a garage, workshop and tool store, as shown on drawing 1488-0500-04 submitted to the LPA on 1st March 2021.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- H1 - Directing New Housing
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- FW3 - Water Conservation
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Parish Council: Supports the application: no reason is given for that support.

CLLR Richard Hales: Supports the application as it supports the Local Community.

Tree Officer: Recommended condition for tree protection measures.

WCC Ecology: Recommended condition for a bat worker to be present on site during roof stripping and notes relating to nesting birds and hedgehogs.

ASSESSMENT

Principle of Development

The proposed development comprises the erection of a replacement dwelling. Officers raise no objection with the demolition and the principle of the replacement of the existing dwelling which is of no notable historic or architectural value above properties typical to the locale.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any other considerations which would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm identified, so as to constitute 'very special circumstances'.

The site lies within the Green Belt and it is necessary to assess the proposal under Section 13 of the NPPF and DS18 of the Warwick Local Plan. The NPPF states that new buildings shall be regarded as inappropriate development which is, by definition, harmful to the Green Belt. Exceptions to that are set out in paragraph 149 of the Framework.

Paragraph 145 of the NPPF is consistent with Policy H13 of Warwick District Local Plan and sets out those categories of new buildings which may be regarded as not being inappropriate in the Green Belt, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

One of the key purposes of the Green Belt is to retain its openness.

For that reason, Paragraph 149.d. states that replacement buildings are appropriate development within the Green Belt where the new building is in the same use and not materially larger than the one it replaces.

Where that is not the case, and the new building is materially larger than the existing building, there is an objection in principle to that development which is inappropriate development within the Green Belt.

In assessing the proposal for the replacement dwelling, the assessment for determining whether a building is materially larger is an assessment comparing the floor space of the existing and proposed buildings. The respective volumes of the existing and replacement buildings can also be helpful in that consideration.

In this case, the existing dwelling has a floor space of 288.2m². That figure doesn't include the separate outbuilding which has a floor space of 180m².

The proposed dwelling has a floorspace of 450.2m²

Without including the recently erected outbuilding within the calculation the proposed dwelling would be materially larger than the existing property in terms of floor area by 56%.

With regard to volume, the proposed building would be 117.5% larger than the existing building and from the submitted drawing is significantly more bulky within

the area. Again the recently erected outbuilding has not been included in these calculations.

The applicants consider that the recently erected permitted development outbuilding should be considered an extension to the dwelling and not its own separate building. The applicants therefore consider that the replacement building is not materially larger than the one it replaces (comprising the dwelling and the detached outbuilding) and is in fact it is smaller. The applicants cite its proximity and recent appeal decisions. Namely (Warwick DC v S of S for Levelling Up, Housing and Communities, case number CO/820/2022 and W/20/0331 for The White House, Five Ways Road, Shrewley which proposed to amalgamate a garage, an outbuilding and a house and was refused but subsequently approved at appeal.

Officers consider that the case of Seven Oaks District Council v SOS and DAWE 1997 (the DAWE judgement) which concerned an extension to a detached garage is also important in the consideration of this application. In that case, it was found that a domestic adjunct such as a garage could be regarded as part of the existing dwelling in the absence of any physical attachment between the two buildings. However, this does not mean that all domestic adjuncts can be considered to be part of the original dwelling . The domestic adjunct "test" is concerned with the role of the building and its relationship to the main building both functionally and visually. As stated in the DAWE judgement, whether or not a domestic adjunct can be considered to be part of the existing dwelling is "a matter of fact and degree in every case."

The applicants state that this principle should be applicable to this application and that the detached outbuilding and the dwelling should be viewed together for the purposes of applying paragraph 149(d) of the NPPF. However in this case the outbuilding is 60% of the size of the existing dwelling and it is considered to be its own visually distinct building separate in form and design to the existing dwellinghouse. It is therefore officers view that it is not considered reasonable to consider the detached outbuilding and the dwelling together given its size, design and siting.

Having regard to the Dawes judgment, whilst the two buildings have a functional relationship, as a matter of fact and degree, it is considered that in this case the visual relationship is not sufficient for the recently erected outbuilding to be considered together with the main dwelling for the purposes of paragraph 149(d). The fact that the dwelling and the outbuilding are visually two distinct, separate buildings is key to this assessment.

As the outbuilding and the dwelling can't reasonably be considered together in your officer's view, the floor area of the outbuilding should not be counted as forming part of the existing building. For this reason the proposals fall outside the exception contained in Paragraph 145 d.

In addition to this should the application be granted the outbuilding could be replaced using permitted development rights following the erection of the replacement dwelling, unless permitted development rights were removed by condition.

The development is therefore considered to be inappropriate by definition and harmful to openness. The proposal has a significant impact in both visual and spatial terms. No very special circumstances have been identified which would outweigh the harm identified.

Impact on Openness

The concept of openness is both visual and spatial. It is generally held to refer to the freedom or absence from development. The NPPF is clear that the fundamental aim of the Green Belt is to keep land permanently open.

The proposed dwelling is taller and bulkier than the existing property and would therefore be more prominent in the Green Belt. In making this judgement, Officers are mindful of the screened character of the topography surrounding the application site, however that screening wouldn't in itself override the harm to openness. Overall, the effect of the proposed development is that it would result in harm materially reducing the openness of the Green Belt.

It is considered that the proposed development represents inappropriate development within the Green Belt and there are no very special circumstances identified which would outweigh this harm. The proposal is considered to be contrary to Local Plan Policies H13, DS18 and the NPPF.

Impact on the character of the surrounding area

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

Local Plan policy H13 states that the replacement dwelling must not be materially larger than the existing dwelling and not have a greater impact on the character and openness of the area and that particular regard will be had to retaining and enhancing the appearance and character of the rural area. In terms of scale, architectural form and materials, any replacement dwelling must not be more dominant than the existing dwelling within the landscape.

The scale of the dwelling, resulting plot size and siting of the building are not considered to harmonise well with the surrounding area. Although it is of no particular merit the existing dormer bungalow effectively sits well within the landscape due to its limited size especially at first floor. The proposed dwelling would be at odds with this character given the significant difference in design, scale and bulk especially at first floor it is not considered that proposed replacement dwelling would comply with this part of policy H13.

It is therefore considered that the proposed dwelling would fail to harmonise well with the character of the area. It therefore provides a harmful form of

development. The proposal is considered to be contrary to Local Plan Policies BE1 and H13.

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

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a requirement 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 Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

The proposed development is not considered to result in harm to neighbour amenity.

The proposed replacement dwelling is considered to provide appropriate living conditions for future occupiers. The outdoor amenity space is extensive, and all habitable rooms will benefit from a reasonable outlook and natural daylight.

Therefore, the proposal is considered to be acceptable and in accordance with Local Plan Policy BE3.

Access and Parking

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

There is sufficient on site parking to accommodate the dwelling. The access remains unaltered.

It is considered that the proposal will not give rise to issues of highway safety and therefore accords with Policies TR1 and TR3 and the Parking Standards SPD.

Ecology

Policy NE2 of the Local Plan seeks to protect designated areas and species of national and local importance for biodiversity and geodiversity.

The County Ecologist has been consulted and raises no objection to the proposal. subject to conditions and notes.

Biodiversity

Policy NE3 of the Local Plan states that new development will only be permitted where it protects, enhances and/or restores habitat biodiversity.

The County Ecologist has noted that the proposal is likely to result in a very small loss in net biodiversity and so to comply with the NPPF, a condition has been recommended to ensure there will be no biodiversity net loss. Again, this could be conditioned if the application were being approved.

Trees

Policy NE4 of the Local Plan states that new development proposals should aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance.

The Council's Tree Officer has been consulted on the submitted tree-related documents and has advised that if recommended for approval, a condition should be imposed to secure the implementation of the proposed tree protection measures set out in the report. In order to protect the leafy and rural character of the site and biodiversity, it would be considered reasonable and necessary to impose the recommended condition.

Water Efficiency

This could be secured by condition to ensure compliance with Policy FW3.

Climate Change / Sustainability

Neighbourhood Plan policy KP15 states that development proposals are encouraged to adopt higher environmental standards of building design and energy performance such as the Passivhaus or similar approach.

Local Plan policy CC1 states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of the following adaptation measures where appropriate:

- a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1;
- c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3;
- d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2;

Applicants are required to set out how the design and layout of the development has incorporated the above points. This information can be secured by conditions.

CONCLUSION

The proposed replacement dwelling is materially larger than the existing property and would be constitute inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness. No very special circumstances exist which outweigh the harm identified.

The proposed replacement dwelling also fails to harmonise with the existing streetscene and character of the surrounding area. It therefore provides a harmful form of development.

The proposed development would conflict with the NPPF and Local Plan Policies DS18, H13 and BE1. The proposal is therefore recommended for refusal.

REFUSAL REASONS

- 1 The site is situated within the Green Belt and the NPPF states that, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework contains a general presumption against inappropriate development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed under Para.149 and therefore the proposal constitutes inappropriate development which is harmful by definition. The proposal would also result in harm to openness. There are considered to be no very special circumstances which outweigh the harm identified.

The proposal would be contrary to the NPPF and Local Plan Policy DS18.

- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore the Residential Design Guide SPD provides a detailed framework which should be followed in order to achieve good design.

The NPPF places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design.

In the opinion of the Local Planning Authority The scale of the dwelling, resulting plot size and siting of the building are not considered to harmonise well with the surrounding area

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

Planning Committee:

Item Number: 8

Application No: [W 23 / 0253](#)

Town/Parish Council: Leamington Spa
Case Officer: Josh Cooper

Registration Date: 29/03/23
Expiry Date: 24/05/23

01926 456537 josh.cooper@warwickdc.gov.uk

1 Percy Terrace, Leamington Spa, CV32 5PG

Increase in height of wall and application of replacement render and installation of new gate (retrospective application) FOR Mrs P Doyle

This application is being presented to Planning Committee as more than 5 support comments have been received and the application and is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse planning permission for the reason set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the retrospective works to a boundary wall. The works conducted are raising the height of the wall, re-rendering of the wall in white render and the erection of a new gate.

THE SITE AND ITS LOCATION

The application site relates to an end of terrace dwelling in the Royal Leamington Spa Conservation Area.

The street scene is characterised by both brick and rendered terraced properties, commonly with low front garden walls, constructed with brick or render finishes. Some of the walls in the street scene are in poor condition, in particular, the boundary wall of the application site. The boundary wall has experienced significant cracking of the render and the colour has faded significantly and is generally in a poor state of repair.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets

- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection

WDC Conservation Officer: Objection on the following grounds:

- The works to the wall are harmful to the Conservation Area
- The works create an imposing, dominant and incongruous boundary treatment.
- The precedent of the brick wall should not be given weight as it is a garden wall which follows the height of an adjacent garage, and its use of red bricks creates a more subtle appearance than the tall white wall erected at 1 Percy Terrace.
- There is no reason why remedial works to the boundary wall could not have been undertaken at the wall's previous height.

Public Response: 16 support comments received on the following grounds:

- The previous wall was in poor state of repair and the works have repaired the damage to the wall.
- The alterations are sympathetic and harmonious with the surrounding street scene.
- The alterations to the wall are an enhancement to the character and appearance of the Conservation Area
- The increase in height to the wall provides enhanced privacy to the occupiers of the application site.
- The alterations to the wall are of a high quality and enhance the surrounding neighbourhood.
- The height increase of the wall is modest and reflects the height of a wall adjacent to the site.
- The proposal is in accordance with Local Plan Policies HE1 and HE2 and does not cause substantial harm to the Conservation Area
- The existing wall was unsightly and dangerous and the proposal remedies this.
- The proposal does not negatively impact on surrounding occupiers.
- The proposal enhances the visual character of the front elevation of No.3 Percy Terrace

ASSESSMENT

Design and Impact on the Conservation Area

Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the street-scene is respected. Policy BE1 states

that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing.

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. This is reflected in Policy HE1 of the Warwick District Local Plan (Designated Heritage Assets and their setting) which states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal will be expected to respect the setting of protected heritage assets such as Conservation Areas and important views both in and out of them.

Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan requires proposals that are within or directly affect the conservation area to demonstrate that they harmonise with the existing character of the area in terms of design, scale and external facing materials. The policy supports the retention, restoration and reinstatement of period details e.g., decoration, ornamentation, ironwork.

The application seeks retrospective permission for the increase in height and re-rendering of a boundary wall and the erection of a gate.

The re-rendering of the wall is considered to be acceptable; the white render matches the application property and surrounding use of render within the street scene and therefore its aesthetics are considered to be considerate to the protected surrounding character.

However, the works to the boundary wall also include the raising of its height. There is a relatively consistent height in boundary treatments along both Percy Terrace, and Rugby Road, on the junction of which the application property lies. The now constructed taller height is not considered to be harmonious with the unaltered original wall. The taller wall is considered to be incongruous and overbearing within the street scene and disrupts the rhythm of the character boundary wall fronting onto Percy Terrace within the Conservation Area. The increase in height of the wall of approximately 400mm and the increase in height of the piers of 270mm is considered to negatively impact the character of the Conservation Area, specifically the street scene of Percy Terrace. Coupled with the bright colour and the height of the newly erected wall, the impact on the street scene is considered stark with the development representing a large slab of white render.

The replacement gate is considered to have acceptable design and is not considered to cause an unacceptable level harm to the Conservation Area.

The Conservation Officer has objected to this application on grounds that the retrospective works are harmful to the character of the Conservation Area as the

works undertaken result in an imposing, dominant and incongruous boundary out of keeping with the character of the wider conservation area.

The applicant refers to an opposite wall creating a precedent and justification for the increased height. However, this is not considered the case as the wall in question is a garden wall which follows the height of an adjacent garage, and its use of red bricks creates a more subtle appearance than the tall white wall erected at 1 Percy Terrace. There is no reason why remedial works to the wall could not have been undertaken with the boundary wall as its existing height.

The proposal is therefore viewed not to be in accordance with the guidance set out in the Council's Residential Design Guide SPD and Local Plan Policies BE1 and HE1 as well as Royal Leamington Spa Neighbourhood Plan Policies RLS3.

Amenity

Warwick District Local Plan Policy BE3 requires that development to have acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of the neighbouring property. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses.

The alterations to the existing wall, the erection of the new fence and gate are not considered to impact the outlook or light amenity of the application site or of the surrounding occupiers.

Therefore, the proposal is considered acceptable and in accordance with Local Plan Policy BE3.

Summary and Conclusion

The proposal is considered to have acceptable impact on the amenity of the neighbours and the current and future occupiers of the dwelling. The proposal is considered to cause less than substantial harm to the character and appearance of the conservation area but there are no public benefits which outweigh the harm identified. The development is therefore not in accordance with all of the aforementioned policies, and it is therefore recommended that the application for planning permission be refused.

REFUSAL REASON

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Local Plan Policy HE2 recommends resisting alterations which would have an adverse effect

upon the overall character of the conservation area. Local Plan Policy BE1 states development must reflect, respect, and reinforce local architectural and historical distinctiveness.

In the opinion of the Local Planning Authority, the application proposal results in less than substantial harm to the character and appearance of the conservation area and there are considered to be no public benefits which outweigh this harm.

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

Planning Committee: 23 May 2023

Item Number: 9

Application No: [W 23 / 0313](#)

Town/Parish Council: Warwick
Case Officer: Lucy Shorthouse

Registration Date: 10/03/23
Expiry Date: 05/05/23

01926 456528 lucy.shorthouse@warwickdc.gov.uk

1-9 Martinique Square, Bowling Green Street, Warwick, CV34 4DG

Replacement of all single glazed timber framed sash windows with double glazed timber framed units FOR Martinique Square (Warwick) Ltd

This application is being presented to Committee as it is supported by the Town Council, and it is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse this application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Replacement of all existing timber frame sash windows with double glazed timber framed units.

THE SITE AND ITS LOCATION

Martinique Square was redeveloped into two new blocks of flats, three town houses and the conversion of the former public house (The Westgate Arms) which is listed. This Grade II Listed building is the subject of this application and comprises residential flats. It sits on the southeast corner of the square, fronting Bowling Green Street and Puckering's Lane (historic frontage). The site is located within the Warwick Conservation Area.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- [Guidance Documents](#)
- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Supports the application and considers the benefits outweigh any potential harm to the property.

WDC Conservation: Objection - considered to result in harm to heritage asset which is not outweighed by public benefits.

Ward Cllr: Supports the proposal on grounds of benefit to climate/energy efficiency with benefit to residents and impact of visual change considered minimal.

ASSESSMENT

Impact on Designated Heritage Assets and Conservation Area

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect conservation areas. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Paragraph 199 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 202 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This is also reflected in Policy HE1 of the Local Plan.

Policy HE1 of the Warwick District Local Plan 2011-2029 states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The existing windows are timber framed, and although repaired over the years, have been retained as single glazed to protect the integrity of the heritage asset. The proposed windows are timber framed and double glazed. Even slight differences between historic fabric and proposed replacements can have a significantly harmful effect on the integrity and significance of a listed building. In this case the proposed units have a visible internal parting bead and noticeable depth between the two plates of glass. This markedly contrasts with the slender structural glazing bars and single glass elements.

The rationale behind the proposed replacement appears to be greater energy efficiency, an approach which is supported in overall terms. The introduction of increasingly energy efficient windows would generate a public benefit in terms of sustainability, however in this case, Officers consider that the public benefit involved is significantly outweighed by the harm to the Listed Building.

The Council's guidance on energy efficiency for historic buildings on the WDC website encourages householders to take a "whole building approach" to energy efficiency and advises that the replacement of historic or original windows will only be considered whether they are beyond repair. The guidance sets out that the use of double-glazed windows is not generally acceptable for Listed Buildings and encourages the consideration of secondary glazing which can often be undertaken without the need for Listed Building consent.

Secondary glazed units will promote greater energy efficiency and, if fitted discretely, need not affect the character of the building. Modified shutters with insulation can also reduce heat loss by 60% when closed, with secondary glazing this increases to 77%. Alongside this, we also recommend draft-proofing and regular maintenance of window units to noticeably improve thermal performance.

When considering windows to a less sensitive elevation, in this instance the north and west facing elevation onto modern development, double glazing could be considered. The use of a slim double-glazed unit, at a maximum of 14mm, and the retention of single glazing to the street fronting elevations would support the retention of the significance of this heritage asset in an unsympathetic setting. The applicant wishes to proceed with proposals that replace windows on all elevations, and therefore the application has been recommended for refusal.

Double glazing as a potential public benefit in terms of environmental impact has been considered however it is felt that there are less harmful avenues available which will allow for energy efficiency to be improved which will result in significantly less harm to the Listed Building. The level of public benefit is not considered to outweigh the extent of harm caused to the listed building and its historic character.

This building has already undergone a large amount of alteration, which has stripped a lot of historic character and detail from the building therefore this heightens the importance of protecting the integrity and character of the heritage asset where it can be preserved to prevent continual gradual erosion resulting in a complete loss of significance.

This building is not only listed but also holds a prominent position within Warwick, opposite the main bus station and as such, is one of the first buildings seen when visitors come to the town.

The windows may have been replaced previously but they have been retained as single glazed which minimised any impact on the listed building. Double glazed windows are incongruous features in listed building, undermining the character with the sight lines felt to be harmful to the integrity of the heritage asset.

It is accepted that improved thermal efficiency would result in a lower carbon footprint for the building which could be considered to be a public benefit. However, it has not been demonstrated that the same public benefit could not be accrued (as outlined above) without resulting in the harm identified. The weight to be attached to this public benefit is therefore very limited.

The harm would be categorised as "less than substantial" for the purposes of paragraph 202 of the NPPF. However, the public benefits do not outweigh the harm. The proposals are therefore contrary to Local Plan Policies HE1, and the Council's 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Document.

In addition, Policy BE1 states development must reflect, respect and reinforce local architectural and historical distinctiveness. For the aforementioned reasons, it is not considered proposals comply with this policy.

Impact of the proposal on amenity

Policy BE3 of the Warwick District Local Plan seeks to ensure development proposals do not result in an adverse impact on the amenity of neighbouring residential dwellings or significantly impact the amenity of existing and future occupiers of the development site.

All windows are replacing those that are existing, and no new openings are being proposed. The replacement windows therefore have no harm or additional impact on amenity, and the proposals are considered to comply with Local Plan Policy BE3.

CONCLUSION

It is considered that this proposal results in a detrimental impact to the significance of the designated heritage asset and the public benefits do not balance, when weighed against the less than substantial harm. The visual impact to the sensitive elevations of double glazing will undermine the historic character and overall significance of this listed building and it is felt there are less harmful avenues available to achieve improved energy efficiency at the property. The application is felt to be contrary to Local Plan Policy HE1, BE1 and the relevant sections of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 and as such, it is recommended for refusal.

REFUSAL REASON

1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Local Plan Policy HE2 recommends resisting alterations which would have an adverse effect upon the overall character of the conservation area. Local Plan Policy BE1 states development must reflect, respect and reinforce local architectural and historical distinctiveness.

In the opinion of the Local Planning Authority, the proposed double-glazed units would result in less than substantial harm to the significance of the listed building and conservation area and there are considered to be no public benefits which outweigh this harm.

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

Planning Committee: 23 May 2023

Item Number: 10

Application No: [W 23 / 0314 LB](#)

Town/Parish Council: Warwick
Case Officer: Lucy Shorthouse
01926 456528 lucy.shorthouse@warwickdc.gov.uk

Registration Date: 10/03/23
Expiry Date: 05/05/23

1-9 Martinique Square, Bowling Green Street, Warwick

Replacement of all single glazed timber framed sash windows with double glazed timber framed sash windows FOR Martinique Square (Warwick) Ltd

This application is being presented to Committee as it is supported by the Town Council, and it is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse this application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Replacement of all existing timber frame sash windows with double glazed timber framed units.

THE SITE AND ITS LOCATION

Martinique Square was redeveloped into two new blocks of flats, three town houses and the conversion of the former public house (The Westgate Arms) which is listed. This Grade II Listed building is the subject of this application and comprises residential flats. It sits on the southeast corner of the square, fronting Bowling Green Street and Puckering's Lane (historic frontage). The site is located within the Warwick Conservation Area.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- HE1 - Protection of Statutory Heritage Assets

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Supports, the benefits are considered to outweigh any potential harm to the property.

WDC Conservation: Objection, public benefits do not outweigh harm.

Public Response: 3 support comments received on grounds of deterioration of windows, thermal insulation benefits and noise reduction.

ASSESSMENT

Impact on Designated Heritage Assets and Conservation Area

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect conservation areas. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Paragraph 199 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 202 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This is also reflected in Policy HE1 of the Local Plan.

Policy HE1 of the Warwick District Local Plan 2011-2029 states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The existing windows are timber framed, and although repaired over the years, have been retained as single glazed to protect the integrity of the heritage asset. The proposed windows are timber framed and double glazed.

Even slight differences between historic fabric and proposed replacements can have a significantly harmful effect on the integrity and significance of a listed building. In this case the proposed units have a visible internal parting bead and noticeable depth between the two plates of glass. This markedly contrasts with the slender structural glazing bars and single glass elements.

The rationale behind the proposed replacement appears to be greater energy efficiency, an approach which is supported in overall terms. The introduction of increasingly energy efficient windows would generate a public benefit in terms of sustainability, however in this case, Officers consider that the public benefit involved is significantly outweighed by the harm to the Listed Building.

The Council's guidance on energy efficiency for historic buildings on the WDC website encourages householders to take a "whole building approach" to energy efficiency and advises that the replacement of historic or original windows will only be considered whether they are beyond repair. The guidance sets out that the use of double-glazed windows is not generally acceptable for Listed Buildings and encourages the consideration of secondary glazing which can often be undertaken without the need for Listed Building consent.

Secondary glazed units will promote greater energy efficiency and, if fitted discretely, need not affect the character of the building. Modified shutters with insulation can also reduce heat loss by 60% when closed, with secondary glazing this increases to 77%. Alongside this, we also recommend draft-proofing and regular maintenance of window units to noticeably improve thermal performance.

When considering windows to a less sensitive elevation, in this instance in the north and west facing elevation onto modern development, double glazing could be considered. The use of a slim double-glazed unit, at a maximum of 14mm, and the retention of single glazing to the street fronting elevations would support the retention of the significance of this heritage asset in an unsympathetic setting. The applicant wishes to proceed with proposals that replace windows on all elevations, and therefore the application has been recommended for refusal.

Double glazing as a potential public benefit in terms of environmental impact has been considered however it is felt that there are less harmful avenues available which will allow for energy efficiency to be improved which will result in significantly less harm to the Listed Building. The level of public benefit is not considered to outweigh the extent of harm caused to the listed building and its historic character.

This building has already undergone a large amount of alteration, which has stripped a lot of historic character and detail from the building therefore this heightens the importance of protecting the integrity and character of the heritage asset where it can be preserved to prevent continual gradual erosion resulting in a complete loss of significance.

This building is not only listed but also holds a prominent position within Warwick, opposite the main bus station and as such, is one of the first buildings seen when visitors come to the town.

The windows may have been replaced previously but they have been retained as single glazed which minimised any impact on the listed building. Double glazed windows are incongruous features in listed building, undermining the character with the sight lines felt to be harmful to the integrity of the heritage asset.

It is accepted that improved thermal efficiency would result in a lower carbon footprint for the building which could be considered to be a public benefit. However, it has not been demonstrated that the same public benefit could not be accrued (as outlined above) without resulting in the harm identified. The weight to be attached to this public benefit is therefore very limited.

The harm would be categorised as "less than substantial" for the purposes of paragraph 202 of the NPPF. However, the public benefits do not outweigh the

harm. The proposals are therefore contrary to Local Plan Policies HE1, and the Council's 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Document.

In addition, Policy BE1 states development must reflect, respect and reinforce local architectural and historical distinctiveness. For the aforementioned reasons, it is not considered proposals comply with this policy.

CONCLUSION

It is considered that this proposal results in a detrimental impact to the significance of the designated heritage asset and the public benefits do not balance, when weighed against the less than substantial harm. The visual impact to the sensitive elevations of double glazing will undermine the historic character and overall significance of this listed building and it is felt there are less harmful avenues available to achieve improved energy efficiency at the property. The application is felt to be contrary to Local Plan Policy HE1 and the relevant sections of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 and as such, it is recommended for refusal.

REFUSAL REASON

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In the opinion of the Local Planning Authority, the proposed double-glazed units would result in less than substantial harm to the significance of the Listed Building but no public benefits have been identified to outweigh this harm

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

Planning Committee: 23 May 2023

Item Number: 11

Application No: [W 23 / 0363](#)

Town/Parish Council: Warwick
Case Officer: Lucy Shorthouse

Registration Date: 13/03/23
Expiry Date: 08/05/23

01926 456528 lucy.shorthouse@warwickdc.gov.uk

10-12, 14-28, 32-45 Martinique Square, Bowling Green Street, Warwick
Replacement of existing timber framed windows and balcony doors with uPVC
FOR Martinique Square (Warwick) Ltd

This application is being presented to Planning Committee as 5 or more letters of support have been received, it is supported by the Town Council, and it is recommended for refusal.

RECOMMENDATION

It is recommended Planning Committee refuse this application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Replacement of existing timber framed windows and balcony doors with uPVC.

THE SITE AND ITS LOCATION

Martinique Square was redeveloped into two new blocks of flats, three townhouses and the conversion of the former Public House (The Westgate Arms) which is listed. The application properties are residential flats, within Martinique Square. 10-12, 14-28 (Block C) sit on the south, and 32-45 (Block A) on the north side. The application buildings are not Listed but are located within the Warwick Conservation Area and within the immediate setting of a Listed Building.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- [Guidance Documents](#)
- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Supports the application and considers the benefits outweigh any potential harm to the property.

WDC Conservation: Objection - considered to result in harm to heritage asset which is not outweighed by public benefits.

Ward Cllr: Supports the proposal on grounds of benefit to climate/energy efficiency with benefit to residents and impact of visual change considered minimal.

Public Response: 6 responses received in support of the proposal on grounds of improved thermal insulation, improved noise reduction, reduced maintenance with limited visual impact.

ASSESSMENT

Impact on Designated Heritage Assets and Conservation Area

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect conservation areas. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Paragraph 199 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 202 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This is reiterated in Local Plan Policy HE1.

Local Plan Policy HE2 notes that unlisted buildings can often contribute significantly to the special architectural or historic importance of conservation areas. This policy seeks to retain the integrity and form of unlisted buildings in conservation areas and recommends resisting alterations which would have an adverse effect upon the overall character of the conservation area.

The existing windows are timber framed double glazed units. The proposed windows are white uPVC. The use of double glazing is acceptable, and it is already in use. However, as per the 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Guidance (SPG) produced by the Council, uPVC windows are not supported within Conservation Areas. The large concentration of plastic windows would cause unacceptable visual harm to the appearance of the building.

While it is acknowledged the application buildings themselves are not historic, they are in a sited in a prominent position within the Warwick Urban Conservation Area and within the direct setting of a Grade II Listed building (1-9 Martinique Square).

The differences between timber and uPVC units can have a harmful effect on the character, appearance and setting of heritage assets. uPVC is obviously modern. Together with the appearance of the smooth and shiny surface of the white uPVC frames, their wide configuration, and flat white glazing strips, the uPVC units markedly contrast with the traditional thin painted frames and slender structural glazing bars.

It is considered that the alteration of these windows from timber to uPVC for the street facing elevations, and the internal facing elevations which are still visible from the street, would have a harmful impact on the setting of the neighbouring listed building and the character and appearance of the conservation area.

When considering windows to less sensitive elevations, in this instance in the North and West facing elevation of Block A nos. 32-45, and the East and West facing elevations of Block C nos. 10-28, the LPA can be more accommodating and would look to support the proposals on these elevations. That is due to the fact the visual impact from these elevations on the conservation area can be assessed as neutral, but on the other elevations, the impact on the conservation area is considered to be harmful. Since the applicant has sought to proceed with proposals that replace windows on all elevations, the application has therefore been recommended for refusal.

The statement submitted by the agent with this application raises that there are other dwellings in the area which have uPVC windows. However, it should be noted that single dwellinghouses can change from timber to uPVC windows without planning permission under permitted development rights. These permitted development rights do not apply to flats or commercial buildings. Where the Council has control over window materials, decisions should be made in accordance with national and local policies including the SPG which states that changes from timber to uPVC should be resisted within areas and on buildings which are historically important such as the application site.

The Council's Conservation Officer states that from a conservation perspective, property owners are actively encouraged to stick with timber irrespective of whether permission is needed or not, because this better reflects the historic character of the conservation area, and advice is always to retain and repair.

The current condition of the timber windows is said to be poor, with repair works required. However, this is not justification to use an inappropriate form of material.

The supporting statement to this application also raises that there is a property opposite the application site with double glazed units, however this is a modern building and was not designed with any direct relationship to the historic building of Martinique Square. Given that there is already large amounts of uPVC in this area, this is undermining the value of the immediate area which can now be considered unsympathetic to the wider setting, further emphasising the

importance of retaining the character where possible, and should not be supportive of anything that is causing further erosion of this character.

There is great emphasis from supporting statements, comments received throughout the consultation response, and the Town Council that the rationale behind the replacement appears to be greater energy efficiency, an approach which is supported in overall terms. The introduction of increasingly energy efficient windows would generate a public benefit in terms of sustainability, however in this case, Officers consider that the public benefit does not outweigh the harm to the conservation area. Double glazed timber units would offer the same energy efficiency and timber is a sustainable material that can be repaired, unlike uPVC which requires complete replacement.

It is accepted that improved thermal efficiency would result in a lower carbon footprint for the building which could be considered to be a public benefit. However, it has not been demonstrated that the same public benefit could not be accrued with double glazed timber units without resulting in the harm identified. The weight to be attached to this public benefit is therefore very limited.

The harm would be categorised as "less than substantial" for the purposes of paragraph 202 of the NPPF. However, the public benefits do not outweigh the harm. The proposals are therefore contrary to Local Plan Policies HE1, HE2 and the Council's 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Document.

In addition, Policy BE1 states development must reflect, respect, and reinforce local architectural and historical distinctiveness. For the aforementioned reasons, it is not considered proposals comply with this policy.

Impact of the proposal on amenity

Policy BE3 of the Warwick District Local Plan seeks to ensure development proposals do not result in an adverse impact on the amenity of neighbouring residential dwellings or significantly impact the amenity of existing and future occupiers of the development site.

All windows and doors are replacing those that are existing, and no new openings are being proposed. The replacement windows therefore have no harm or additional impact on amenity, and the proposals are considered to comply with Local Plan Policy BE3.

CONCLUSION

The proposals would result in unacceptable harm to the Conservation Area and the setting of a Listed Building, and are contrary to Local Plan Policies HE1, HE2, BE1 and the Council's 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Document. This harm is considered to be outweighed by public benefits. It is therefore recommended that planning permission is refused.

REFUSAL REASON

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Local Plan Policy HE2 recommends resisting alterations which would have an adverse effect upon the overall character of the conservation area. Local Plan Policy BE1 states development must reflect, respect and reinforce local architectural and historical distinctiveness.

In the opinion of the Local Planning Authority, the proposed uPVC windows would result in less than substantial harm to the significance of the conservation area and the setting of a Listed Building. However, there are considered to no public benefits which outweigh this harm.

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

Application No: [W 23 / 0371](#)

Town/Parish Council: Leamington Spa
Case Officer: Millie Flynn
01926456140 millie.flynn@warwickdc.gov.uk

Registration Date: 21/03/23
Expiry Date: 16/05/23

The Shire Grill, Chesterton Drive, Leamington Spa, CV31 1YJ
Retention of marquee on the patio to the rear of The Shire Grill. FOR The Shire Grill

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

Retrospective planning permission is sought for the erection of a marquee on the patio to the rear of The Shire Grill.

THE SITE AND ITS LOCATION

The Shire Grill is a substantial, detached two storey modern building located in a prominent roadside location within Sydenham, Royal Leamington Spa. The property operates as a pub (Use Class Sui-Generis).

The building is flanked on two sides by public highway. The site benefits from a large parking area and outdoor seating areas.

The surrounding area is predominantly residential with some community buildings in the locality.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design

- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking

Guidance Documents

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

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS6 - Protection of Community Facilities
- RLS13 - Traffic and Transport

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objects to the proposal on the grounds of potential impact on the amenity for nearby neighbouring uses.

WDC Environmental Health: No objection, subject to condition.

WCC Highways: No objection.

Public Response: 188 Comments of support and 18 comments of objection received.

It should be noted that 75 support comments provided no representation.

It should also be noted that 14 comments were located outside of the district.

Reasons for Support

- The proposed facilities will benefit the business.
- Supports community events
- Friendly establishment and staff
- Great food
- Supports a local business
- The site is an integral part of the community
- The proposal is close to existing business
- No late night noise
- No disturbance
- Not out of keeping with the context of the site
- No obstructive views
- No environmental impacts
- Adequate parking on site
- Local asset

Reasons for Objection

- Eye sore
- Noise and Disturbance
- Late night noise
- Proposal not considered appropriate for a residential area
- Not in keeping with the character of the area
- Inappropriate size
- Proposal generates increased levels of traffic
- The proposed materials do not allow for sound insulation
- Overall loss of privacy

ASSESSMENT

The key issues relevant to the consideration of this application are as follows;

- Design and impact on the street scene.
- Impact on the amenity of neighbouring uses;
- Highways safety and Parking.

Design and impact on the street scene

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

A number of objections have been received with concerns regarding the impact on the character of the surrounding area the overall size of the proposal.

After reviewing the proposal, it is considered that the proposal would not be out of keeping in the context of this established pub. A marquee is a feature commonly associated with drinking establishments and given the size of the proposal, Officers consider it not to be detrimental to the surrounding streetscene and overall context of the site.

Therefore, it is concluded that the proposals would have an acceptable impact on the character and appearance of the area and is considered to accord with the guidance set out in Policy BE1 of the Warwick District Council Local Plan.

The impact on the amenity of neighbouring uses

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a requirement for development not to result in undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties.

A number of objections have been received with concerns regarding the additional noise and disturbance which is created by the proposal.

The applicant has submitted a supporting statement which outlines the nature of the proposal. It explains that the marquee is used in connection with the restaurant/pub.

The Health and Community Protection Department at the Council have been consulted and raises no objection to the proposal, subject to condition.

An application to vary the existing premises licence was made to Warwick District Council in May 2022 to include the proposed marquee, of which was approved by WDC's Licensing Committee subject to recommended conditions in June 2022.

Since this, Environmental Health has received a number of noise complaints from residents about loud music from events held in the marquee. These complaints have been supplemented by audio recordings of loud music, singing, and amplified voices. Although the premises licence requires the implementation of a noise management plan, the light-weight construction of the marquee provides little in the way of sound reduction, meaning that both amplified and unamplified noise can readily escape. Low frequency noise, e.g., bass, can travel longer distances and is often a cause of noise complaints.

It is noted that the nearest residential boundaries are located approximately 25 to 30 metres away from the marquee. This close proximity presents a challenge in terms of preventing a loss of amenity to local residents whilst also maintaining entertainment noise at a viable volume for customers in the marquee. The complaints received do not appear to raise concern about daytime customer use of the marquee. Similarly, the area of land where the marquee is currently situated would have previously been accessible to customers wishing to sit/use outside.

Therefore, the principle of the marquee from an Environment Health perspective is considered acceptable. The Environmental Health Officer raised concerns regarding the use of the marquee for events which involved amplified voice or music. However, Officers note that an application for the pubs license was submitted in May 2022, by where a condition was implemented to control the sound of music or voices to ensure its not intrusive to adjoining neighbours or at the nearest elevation of any neighbouring residential premises. It should also be noted that the premises as part of its license is also controlled by a Noise Management Plan and controlled hours of operation.

Therefore, in this instance Officers feel that any further concerns are controlled by the condition already implemented on the Premises Licence.

Objection comments have also been received with concerns regarding loss of privacy.

The proposal is set within a relatively large plot and therefore meets the required minimum distance separation as set out in the Council's Residential Design Guide

SPD. Therefore, it is considered that the proposal would not have a detrimental impact of the privacy of neighbouring uses.

As so far, the proposal is considered in accordance with Local Plan Policy BE3.

Highway Safety and Parking

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 and the Parking Standards SPD seeks to ensure that sufficient parking is provided. The proposal should also comply with Warwick District Council's Parking Standards SPD.

Objection comments have also been received with concerns regarding traffic generation caused by the proposal.

The Highways Authority were consulted and whilst they raised no objection in principle, they object to the application pending receipt of further information relating to whether there is sufficient space within the application site to accommodate the additional parking demand for the proposed increase in floor area at the site, as per the Council's Parking Standards SPD.

For the purposes of this assessment, the Council's Parking SPD states that for a drinking establishment of this size, along with the marquee, 31 parking spaces are required, of which it is noted that there is significantly more than the requirement at the site. The applicant has subsequently provided the requested further information that confirms that there are adequate provisions on site, of which exceed the Council's Parking SPD and it is not considered that the development would result in parking issues which would result in users of the property parking in nearby streets.

Therefore, on balance and based on the appraisal of the additional information, County Highways raise no objection to the application.

The proposal is therefore considered to be in accordance with Local Plan Policies TR1 and TR3.

SUMMARY/CONCLUSION

The proposal is considered to have an acceptable impact on the character and appearance of the area. The proposal is also considered to create no additional harm to the amenity of neighbouring uses. There would be no detriment to highway safety, having regard to the safety of both vehicles and pedestrians.

The proposals are in accordance with the aforementioned policies, and it is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved drawing(s) MARQUEE MANUFACTURER SPECIFICATION submitted on 10th March 2023 and A-P10-001 submitted on 21st March 2023 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.

Planning Committee: 23 May 2023

Item Number: 13

Application No: [W 23 / 0405](#)

Town/Parish Council: Lapworth
Case Officer: Theo Collum

Registration Date: 20/03/23
Expiry Date: 15/05/23

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1 St Chads Cottage, Old Warwick Road, Lapworth, Solihull, B94 6LH

Erection of two storey side/rear extension plus alteration to fenestration
resubmission of approval w/22/1521 FOR Mr Daplyn

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

RECOMMENDATION

The recommendation is to grant planning permission.

DETAILS OF DEVELOPMENT

The proposal seeks a two-storey rear extension and a single-storey side extension, to provide for an additional upstairs bedroom and to extend the kitchen/dining area. The proposal also includes changes to windows on all three elevations. Permission for similar developments were granted for this property in 2020 and 2022, this proposal differs in the design of the side extension.

THE SITE AND IT'S LOCATION

The application site relates to a semi-detached house within a large plot. The site is adjacent to the canal but not within the canal conservation area, and Lapworth is a growth village removed from the greenbelt.

PLANNING HISTORY

W/20/0384 – erection of a two-storey rear extension – submitted on 27/03/20, granted on 05/09/2020

W/20/1260 – erection of a two-storey rear and side extension – submitted on 28/08/2020 and granted on 27/10/2020

W/22/1521 – erection of a two-storey rear and side extension – submitted on 20/09/2022 and granted on 10/11/2022

RELEVANT POLICIES

- National Planning Policy Framework
- [The Current Local Plan](#)
- BE1 - Layout and Design
- BE3 - Amenity

- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: object on the grounds that the extensions would be overdevelopment in an area close to the conservation area and the green belt.

WCC Ecology: object, requesting a Preliminary Bat Roost Survey be carried out

ASSESSMENT

Design

Local plan policy BE1 details that planning permission will only be granted where the proposals harmonise with the existing street scene. The Council's Residential Design Guide offers more specific details on how this is achieved, including criteria for the subservience of proposed extensions to existing dwellinghouses.

This proposal represents an amendment to the application granted under W/22/1521, the only significant change being a change to the design of the side extension. The proposed side extension is now flat roofed with a pitched skylight in the roof, and is now of brick construction with large windows, rather than the largely glazed design of the extension in W/22/1521. While the Warwick District Residential Design Guide does advise against flat-roofed side extensions, an exception was already made on this site for a similar design under application W/20/1260, recognising the limited impact the extension would have on the existing street scene. This previously approved side extension would be larger than that currently proposed and would feature a roof terrace. It would be inconsistent to then refuse a similar feature that would likely have less impact than a design that has already been approved, and still has permission to be built.

Lapworth Parish Council objected on the basis that they considered this overdevelopment, in close proximity to the Canal Conservation Area and the Green Belt. The Green Belt does run alongside the property but the property itself is not in either area, therefore rules regarding extensions to dwellings in the Green Belt do not apply in this case. Additionally, this application does not represent any increase in size over the previously granted proposals and the design cannot be concluded to be more harmful than any of the applications previously granted. The proposal is therefore considered acceptable under policy BE1.

Impact on the Amenity of Neighbouring Occupiers

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy.

There is no conflict with the 45-Degree Guideline or the Distance Separation Standards, and therefore the proposals are considered not to cause any material harm in terms of outlook or loss of light and privacy for neighbouring occupiers. Local Plan Policy BE3 is complied with.

Ecology

The County Ecologist has recommended a Preliminary Bat Survey be undertaken. However, Officers are mindful that there are no specific bat records for the application site itself, the roof space could be converted without the need for planning permission, and the property is well sealed and situated in a built-up area. Moreover, bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. It is a criminal offence to recklessly disturb or destroy a bat 'roost'. Where a bat 'roost' is present a licence may be necessary to carry out any works. If evidence of bats is found whilst carrying out works, there is a legal requirement to stop work and notify Natural England. A note advising the applicant of this will be added to any approval granted.

SUMMARY / CONCLUSION

The proposals would have an acceptable impact on the character and appearance of the area and on the living conditions of neighbouring dwellings. Therefore it is recommended that planning permission is granted.

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) 5928/01 D, and specification contained therein, submitted on 20/03/2023. **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 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.
