

Planning Committee Thursday 15 December 2022

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Thursday 15 December 2022, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

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

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

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

Emergency Procedure

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

Agenda Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

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

- a) 8 November 2022; **(Pages 1 to 46)**
- b) 9 November 2022; and **(Pages 1 to 8)**
- c) 15 November 2022 **(Pages 1 to 22)**

Part B – Planning Applications

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

- 5. **W/21/1456 LB – Seaforth House, 8 Warwick New Road, Royal Leamington Spa** **(Pages 1 to 5)**
- 6. **W/21/1944 - Land at Peacock Lane, Holywell, Rowington** **(Pages 1 to 12)**
- 7. **W/22/1042 – 66 Market Place, Warwick** **(Pages 1 to 7)**
- 8. **W/22/1524 – 192 Cromwell Lane, Burton Green** **(Pages 1 to 5)**
- 9. **W/22/1213 – 12 Ridgeley Close, Woodloes Park, Warwick** **(Pages 1 to 4)**
****WITHDRAWN FROM AGENDA****
- 10. **TPO 573 – 9 Elm Bank Close, Lillington, Royal Leamington Spa** **(Pages 1 to 2)**

Please note:

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

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

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

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456114

Planning Committee

Minutes of the meeting held on Tuesday 8 November 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Committee Services Officer – Sophie Vale; Legal Advisor – Ross Chambers; Principal Planning Officer – Helena Obremski; and Business Manager – Rob Young.

71. **Apologies and Substitutes**

- a) Apologies for absence were received from Councillor Norris; and
- b) Councillor Davison substituted for Councillor Tangri

72. **Declarations of Interest**

Minute Number 77 – W/22/1276 – 25 Beverley Road, Royal Leamington Spa

On the advice of the Democratic Services Manager & Deputy Monitoring Officer, Councillor Gifford declared an interest because Mr Hafiji, speaking in objection to the above application, had contacted him. He had advised Mr Hafiji that he was a member of the Planning Committee so he could not speak about the application and recommended that Mr Hafiji contact someone else.

73. **Site Visits**

There were no site visits made.

74. **Minutes**

The minutes of the meeting held on 11 October 2022 were taken as read and signed by the Chairman as a correct record.

75. **W/22/1106 – 32 Russell Terrace, Royal Leamington Spa**

This application was withdrawn from the agenda and therefore was not considered at the meeting.

76. **W/22/1425 – Forge Farm, Pinley Lane, Pinley**

This application was withdrawn from the agenda because Shrewley Parish Council withdrew its objection. Therefore, this application was not considered at the meeting.

PLANNING COMMITTEE MINUTES (Continued)

77. **W/22/1276 – 25 Beverley Road, Royal Leamington Spa**

The Committee considered an application from Mr and Mrs Badhan for the erection of a single-storey rear extension, a two-storey front and side extension, and rendering on the top half of all elevations.

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

The officer was of the opinion that the proposal constituted good quality design and had 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. Therefore, it was recommended that this application should be granted.

An addendum circulated prior to the meeting advised that revised plans had been submitted increasing separation distance to the neighbouring boundary (with No. 23) by 70mm - from 930mm to 1000mm, to ensure compliance with Residential Design Guide.

The following people addressed the Committee:

- Mr Hafiji, speaking in objection;
- Mr Pugh, representing the applicant, in support; and
- Councillor Syson, District Councillor, speaking in objection.

In response to questions from Members, the Business Manager advised that the front garden was going to be paved over to create a driveway.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris that the application should be granted with an additional condition requiring the driveway to be made from permeable materials in order to reduce the risk of flooding.

This was seconded by Councillor Kennedy and the Committee

Resolved that W/22/1276 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | the development hereby permitted shall begin no later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1677-0500-01 and 1677-0501-02, and specification contained therein, |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | submitted on 08/09/2022. 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) | 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; |
| (4) | 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 rendered 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; and |
| (5) | the driveway shall be built from a permeable material in order to reduce the flooding risk. |

78. **W/22/0928 – Third Floor Flat, 28 Clarendon Square, Royal Leamington Spa**

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

This application was presented to Planning Committee because of the number of objections including an objection from Royal Leamington Spa Town Council having been received.

The officer was of the opinion that the proposed change of use was considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area by reason of an unacceptable concentration of HMOs. There would be no increased demand on parking as a result of the change of use. The proposed change of use was therefore recommended for approval.

An addendum circulated prior to the meeting clarified that refuse and recycling was currently stored in the flat and presented on Clarendon Square on collection day, and that this arrangement would continue.

The following people addressed the Committee:

PLANNING COMMITTEE MINUTES (Continued)

- Councillor McAllister, representing Royal Leamington Spa Town Council in objection;
- Mrs Terry, speaking in objection; and
- Councillor King, District Councillor, speaking in objection.

Members had concerns that this interpretation of policy H6D would lead to a continuous frontage of three or more HMO properties which might set a precedent and be detrimental to settled residents. The Committee was advised that the application's compliance with policy H6D was a matter of interpretation.

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 Jacques that the application should be refused, contrary to the recommendation in the report.

The Committee therefore

Resolved that W/22/0928 be **refused** because it was considered that the application was contrary to Local Plan Policy H6D and it would lead to a continuous frontage of three or more HMO properties.

79. W/22/0892 – 28 Clarendon Square, Royal Leamington Spa

The Committee considered an application from Innocent Group Ltd for the demolition of existing outbuildings and the erection of a two-storey coach house fronting onto Trinity Street.

This application was presented to Planning Committee because of the number of support comments received and because it was recommended for refusal.

The officer was of the opinion that the principle of development was considered acceptable in accordance with Policy H1 of the Warwick District Local Plan as well as Policy RLS1 of the Royal Leamington Spa Neighbourhood Development Plan. The overall scale, mass and design of the proposed dwelling would be in-keeping with the general character of the area and street scene. There were no heritage concerns with the proposal which was not considered to cause any adverse impacts on the character and appearance of the Royal Leamington Spa Conservation Area or concerns in relation to vehicle parking. The proposal would result in an improvement to the appearance of the Conservation Area and the setting of a Listed Building through replacement of the garage.

However, although the applicant had amended the scheme in response to Officers' concerns, the proposal would result in harm to neighbours' residential amenity in terms of loss of privacy within the terrace amenity area at 163 Trinity Street. In addition, it was considered that the proposal would provide unacceptable living conditions for future occupiers of the proposed dwelling, due to unacceptable levels of outlook and privacy.

PLANNING COMMITTEE MINUTES (Continued)

The application was therefore contrary to policies stated in the report, and it was recommended that the application be refused.

Mr Chay Innocent, the applicant, addressed the Committee, speaking in support.

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

The Committee therefore

Resolved that W/22/0892 be **refused** for the following reasons:

- | No. | Refusal Reasons |
|------------|---|
| (1) | Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that does not provide acceptable standards of amenity for future users and occupiers of the development. Furthermore, the Residential Design Guide Supplementary Planning Document provides more detailed guidance. |

In the opinion of the Local Planning Authority, the proposal would fail to provide a satisfactory living environment for future occupants by reason of unacceptable outlook and privacy.

The proposal is thereby considered to be contrary to the aforementioned policy; and

- | | |
|-----|---|
| (2) | Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the Residential Design Guide Supplementary Planning Document includes the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect. |
|-----|---|

In the opinion of the Local Planning Authority, the proposal would result in an unacceptable loss of privacy within the terrace area at 163 Trinity Street.

PLANNING COMMITTEE MINUTES (Continued)

No.

Refusal Reasons

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy.

80. W/22/0484 – Land off Europa Way, Tachbrook Country Park, Royal Leamington Spa

The Committee considered a hybrid application for an outline planning application from Warwick District Council for the erection of a refreshment centre and full planning application for the creation of a country park, to include allotments, community growing area and community orchards, children's play areas, car parking, foot and cycle paths, timber pedestrian bridge crossings over the Tach Brook, drainage ditches, associated surface water and foul drainage infrastructure, landscaping and ground works.

This application was presented to Committee because of the number of objections received and because the applicant was Warwick District Council.

The officer was of the opinion that the proposed development would bring forward the delivery of a key piece of green infrastructure identified with the Neighbourhood and Local Plans. In doing so it would provide significant material benefits, namely enhancements to biodiversity, green infrastructure links which assisted health and wellbeing and the provision of community facilities such as orchards and allotments. It was therefore recommended that the application should be approved.

Subject to conditions, the development could also be controlled to manage any impacts on neighbours, nearby highways, and drainage.

An addendum circulated prior to the meeting contained the following:

- the additional consultation responses received;
- amendments to the plans;
- an additional condition to address the reprofiled area of land within the Country Park (condition 23);
- another additional condition to address the Green Spaces Team's comments regarding connectivity and the interface between the Country Park and school site (condition 24);
- that officers had requested that the LLFA reword their proposed conditions so that the development could be delivered in stages but had not received a response. Councillors were recommended to delegate authority to the Head of Development Services to agree the wording of the conditions recommended by the LLFA;
- an amendment to condition 21 following concerns raised by the applicant in relation to the requirements of condition 21 (general crime prevention), notably the requirement for entrances to footpaths to include barriers such as kissing gates to prevent the use of offroad motorcycles as requested by Warwickshire Police. The applicant raised concern that this would become a deterrent for cyclists who wished to use the Country Park and also could result in access issues for individuals living with a disability.

PLANNING COMMITTEE MINUTES (Continued)

Officers confirmed that an error had been made in the addendum, meaning that the amendment to condition 21 should in fact be an amendment to condition 22;

- an amendment to condition 4 to update and replace the drawing numbers; and
- additional officer responses to the pre-meeting questions from Councillors.

Councillor Day, District Councillor, addressed the Committee, speaking in support.

Members were advised that there would be two car parks; one with 20 spaces, and the other with 16. These would mainly be intended for users of the community allotment as other visitors would be encouraged to access the park sustainably. Additional parking capacity would be provided by Oakley Grove school, and this was bound by a Section 106 agreement.

Members were advised that there would be four EV charging points in the car parks but an advisory note could be added to encourage the installation of more.

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 Morris that the application should be granted.

The Committee therefore

Resolved that W/22/0484 be **granted** subject to:

- a) an advisory note to be written by officers encouraging more EV charging points;
- b) the delegation of authority to the Head of Development Services to agree the wording of the conditions recommended by the LLFA; and
- c) the following conditions:

No.	Condition
(1)	<p>the development hereby permitted in detail (all of the development save for the 'refreshment centre') must be begun not later than the expiration of three years from the date of this permission.</p> <p>The development hereby permitted in outline (the refreshment centre) must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.</p>

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p> |
| (2) | <p>the refreshment centre is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced on each subsequent phase of development:-</p> <ul style="list-style-type: none">a. appearanceb. landscapingc. layoutd. scale <p>Reason: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended);</p> |
| (3) | <p>in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars must be made to the Local Planning Authority, for each phase of the development, not later than the expiration of three years beginning with the date of this permission.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);</p> |
| (4) | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:</p> <p>807055-WOOD-XX-XX-DR-L-00001 (Masterplan), 807055-WOOD-XX-XX-DR-L-00029 (Post and Wire Fence), 807055-WOOD-XX-XX-DR-L-00030 (Bench), 807055-WOOD-XX-XX-DR-L-00031 (Timber Bollard), 807055-WOOD-XX-XX-DR-L-00032 (Timber Bridge), 807055-WOOD-XX-XX-DR-L-00033 (3m Tarmac</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	Path), 807055-WOOD-XX-XX-DR-L-00034 (Self-Binding Gravel Path), 807055-WOOD-XX-XX-DR-L-00036 (Picnic Bench), 807055-WOOD-XX-XX-DR-L-00037 (Timber Vehicle Gate), 807055-WOOD-XX-XX-DR-L-00038 (Vehicle Barrier), 807055-WOOD-XX-XX-DR-L-00039 (Post and Rail Fence), 807055-WOOD-XX-XX-DR-L-00040 (Waste Bins), 807055-WOOD-XX-XX-DR-L-00041 (Timber Boardwalk), 807055-WOOD-XX-XX-DR-L-00043 (Timber Knee Rail), 'Southern Car Park Access General Arrangement' and 'Maintenance Access of Peabody Way - dropped kerb' submitted on 15th March 2022; and,
	807055-WOOD-XX-XX-DR-L-00002 P02 (Landscape Plans Sheet 1), 807055-WOOD-XX-XX-DR-L-00003 P03 (Landscape Plans Sheet 2), 807055-WOOD-XX-XX-DR-L-00004 P02 (Landscape Plans Sheet 3), 807055-WOOD-XX-XX-DR-L-00005 P02 (Landscape Plans Sheet 4), 807055-WOOD-XX-XX-DR-L-00006 P03 (Landscape Plans Sheet 5), 807055-WOOD-XX-XX-DR-L-00007 P02 (Landscape Plans Sheet 6), 807055-WOOD-XX-XX-DR-L-00008 P02 (Landscape Plans Sheet 7), 807055-WOOD-XX-XX-DR-L-00009 P02 (Landscape Plans Sheet 8), 807055-WOOD-XX-XX-DR-L-00010 P03 (Landscape Plans Sheet 9), 807055-WOOD-XX-XX-DR-L-00011 P02 (Landscape Plans Sheet 10), 807055-WOOD-XX-XX-DR-L-00012 P02 (Landscape Plans Sheet 11), 807055-WOOD-XX-XX-DR-L-00013 P02 (Landscape Plans Sheet 12), 807055-WOOD-XX-XX-DR-L-00014 P03 (Landscape Plans Overview Sheet), 807055-WOOD-XX-XX-DR-L-00045 (SuDs Reference Drawings Sheet 1), and 807055-WOOD-XX-XX-DR-L-00046 (SuDs Reference Drawings Sheet 2) submitted on 6th October 2022; and
	807055-WOOD-XX-XX-DR-L-00015 P02 (Planting Plans Sheet 1), 807055-WOOD-XX-XX-DR-L-00016 P02 (Planting Plans Sheet 2), 807055-WOOD-XX-XX-DR-L-

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>00017 P02 (Planting Plans Sheet 3), 807055-WOOD-XX-XX-DR-L-00018 P02 (Planting Plans Sheet 4), 807055-WOOD-XX-XX-DR-L-00019 P02 (Planting Plans Sheet 5), 807055-WOOD-XX-XX-DR-L-00020 P02 (Planting Plans Sheet 6), 807055-WOOD-XX-XX-DR-L-00021 P02 (Planting Plans Sheet 7), 807055-WOOD-XX-XX-DR-L-00022 P02 (Planting Plans Sheet 8), 807055-WOOD-XX-XX-DR-L-00023 P03 (Planting Plan Sheet 9), 807055-WOOD-XX-XX-DR-L-00024 P03 (Planting Plans Sheet 10), 807055-WOOD-XX-XX-DR-L-00025 P02 (Planting Plan Sheet 11), 807055-WOOD-XX-XX-DR-L-00026 P02 (Planting Plan Sheet 12), 807055-WOOD-XX-XX-DR-L-00027 P02 (Planting Plans Overview), and 'Northern Access General Arrangement' submitted on 26th October 2022,</p> <p>and the 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> |
| (5) | <p>each phase of the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) for that phase has been submitted to and approved in writing by the local planning authority. The CMP shall provide for:</p> <p>(d) Any temporary measures required to manage traffic during construction</p> <ul style="list-style-type: none">• Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction• Dust management and suppression measures – level of mitigation determined using IAQM guidance• Wheel washing• Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2 |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ul style="list-style-type: none">• Concrete crusher if required or alternative procedure• Delivery times and site working hours• Site lighting• Access and protection arrangements around the site for pedestrians, cyclists and other road users• Restrictions on burning and details of all temporary contractors buildings• Plant and storage of materials associated with the development process• External safety and information signing notices• Complaints procedures, including complaints response procedures and dedicated points of contact

A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.
Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;

- (6) no development for each phase 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 for that phase.
 - b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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 were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (7) each phase of the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) in accordance with the British Standard on Biodiversity BS 42020:2013 has been submitted to and approved in writing by the District Planning Authority for that phase. In discharging this condition the Local Planning Authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, details of appropriate working practices and safeguards for habitats, such as the Local Wildlife Site, hedgerows and trees, to be employed whilst works are taking place on site. The compound area should be allocated and illustrated in a site layout

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | within the plan. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.
Reason: To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029; |
| (8) | a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Authority prior to the commencement of the development (or specified phase of development). The content of the LEMP shall include the following: <ol style="list-style-type: none">a) Description and evaluation of features to be managed.b) Ecological trends and constraints on site that might influence management.c) Aims and objectives of management.d) Appropriate management options for achieving aims and objectives.e) Prescriptions for management actions.f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).g) Details of the body or organisation responsible for implantation of the plan.h) Ongoing monitoring and remedial measures. |

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | approved plan will be implemented in accordance with the approved details.
Reason: To ensure a net biodiversity gain in accordance with NPPF; |
| (9) | prior to the commencement of each phase of the development hereby approved (including all preparatory work), 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 for that phase shall 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.

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 Tree Protection Plan with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection
- c) the specification for the construction of any hard surfacing that encroach over the RPA of a retained tree
- d) 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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | 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; |
| (10) | no development shall commence or be used for the approved purpose within the area identified as 'Severn Trent Water land' (hereafter STW site) as shown on drawing 807055-WOOD-XX-XX-DR-L-00045 submitted to the Local Planning Authority on 24th October 2022, unless and until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the Local Planning Authority:

1.(a) A site investigation designed for the STW site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

§ A risk assessment to be undertaken relating to human health
§ A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
§ An appropriate gas risk assessment to be undertaken
§ Refinement of the conceptual model
§ The development of a method statement detailing the remediation requirements

(b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.

(c) A method statement detailing the remediation requirements, including |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion.</p> <p>This should be approved in writing by the planning authority prior to the remediation being carried out on the site.</p>
2.	<p>All development of the STW site shall accord with the approved method statement.</p>
3.	<p>If during development, contamination not previously identified, is found to be present at the STW site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.</p>
4.	<p>Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.</p>
	<p>Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.</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>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(11)	<p>a sustainability statement must be submitted to and approved in writing by the Local Planning Authority, prior to the submission of details pertaining to the reserved matters relating to the refreshment centre detailing how the development has been designed to incorporate features that contribute to reducing greenhouse gas emissions and increasing resilience to the impact of climate change. The statement should include consideration of the following (but not limited to):</p> <ol style="list-style-type: none">a) All new buildings should be designed to be carbon neutral;b) Building and roof orientation maximise opportunities for harnessing solar energy for renewable energy generation and passive solar gain;c) Heating systems are carbon neutral incorporating such technology as Ground/Air Source Heat pumps or community heating systems;d) Water saving technology and waste water recycling are incorporated;e) All properties have vehicle charging points;f) Sustainable standards of resource consumption and recycling have been applied ensuring that there is an appropriate balance between innovation and respecting and harmonising with the local quality and character of the surrounding development;g) Building for Life standards, or an equivalent assessment framework, have been met;h) The vulnerability of the site, and the wider area to flooding, especially during extreme weather events, have been identified and mitigated for in the proposal's design;i) The incorporation of buffer strips to protect streams, trees and hedgerow rooting zones;j) Extensive tree planting and landscaping using native species to increase carbon sequestration and ensure biodiversity is connected to the plan;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | j) Surfaces that increase groundwater infiltration and reduce run-off will be used. |

The design of the refreshment centre submitted under reserved matters must demonstrate how the agreed sustainability measures have been incorporated into the design. **Reason:** To demonstrate how the development has been designed to respond to climate change and meet the requirements of Policy BT12 of the Bishops Tachbrook Neighbourhood Plan 2020 – 2029;

- (12) a crime prevention statement must be submitted to and approved in writing by the Local Planning Authority, prior to the submission of details pertaining to the reserved matters relating to the refreshment centre detailing how the development has been designed to minimise the potential for crime and anti-social behaviour. The statement should include consideration of the following (but not limited to):
- windows and doors should be protected by roller shutters that have been tested and certified to LPS1175 security rating 2 (minimum) and installed in accordance with the manufacturer's specifications. Roller shutters/grilles protecting windows should be tested and certified to LPS1175 security rating 2 (minimum) (Level 2) and installed in accordance with the manufacturer's specifications;
 - all windows and should be Certificated (BSI Kitemark or similar) to PAS 24 'Specification for enhanced security performance of casement and tilt/ turn windows for domestic applications' or Loss Prevention Certification Board standard LPS 1175 Security Rating 2;
 - a monitored CCTV system should be installed near to the location of the café building.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>The design of the refreshment centre submitted under reserved matters must demonstrate how the agreed crime prevention measures have been incorporated into the design.</p> <p>Reason: To minimise the potential for crime and anti-social behaviour in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;</p> |
| (13) | <p>a full quantitative noise assessment must be undertaken in accordance with the methodology provided in BS 4142: 2104+A1: 2019 (or any subsequent BS which supersede this guidance) and be submitted to and approved in writing by the Local Planning Authority, prior to the submission of details pertaining to the reserved matters relating to the refreshment centre. 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> |
| (14) | <p>prior to first use of the site by members of the public, details of access prevention measures to prohibit unauthorised access, but ensure accessibility for pedestrians and cyclists must be submitted and agreed by the Local Planning Authority. Reason: In the interests of cyclist and pedestrian safety in accordance with policy TR1 of the Warwick District Local Plan 2011 – 2029;</p> |
| (15) | <p>there shall be no development above slab level unless and until a phasing scheme for the delivery of the approved hard and soft landscaping details has been submitted to and approved in writing by the Local Planning Authority. The phasing scheme must identify the separate phases of development and timescales for delivery of both hard and soft landscaping within each phase. The development shall be carried out in strict accordance with the approved phasing</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | scheme. Any tree(s) or shrub(s) which within a period of five years from the completion a phase of 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; |
| (16) | each phase of the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details for that phase. The approved scheme shall be retained and maintained as such at all times thereafter. Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan; |
| (17) | no lighting or illumination of any part of any building or the site for each phase shall be installed or operated unless and until a detailed lighting scheme for that phase has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around trees and mature vegetation and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>nocturnal wildlife. This could be achieved in the following ways:</p> <ul style="list-style-type: none">• Lighting should be directed away from vegetated areas• Lighting should be shielded to avoid spillage onto vegetated areas• The brightness of lights should be as low as legally possible• Lighting should be timed to provide some dark periods• Connections to areas important for foraging should contain unlit stretches <p>Reason: To ensure that protected species and habitats to be retained are not harmed by the development in accordance with National Planning Policy Framework, ODPM Circular 06/2005 and with Policy NE2 of the Warwick District Local Plan 2011-2029;</p> |
| (18) | <p>the accesses to the site for vehicles (including maintenance vehicles) shall not be used in connection with the development until they have been constructed and surfaced in accordance with details to be approved in writing by the Local Planning 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> |
| (19) | <p>each of the play areas / play trails shall not be installed unless and until details to include the scale, layout, design and materials of that play area / play trail 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;</p> |
| (20) | <p>the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces).
Reason: To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029; |
| (21) | noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (22) | prior to first use of the hereby approved development a crime prevention statement must be submitted to and approved in writing by the Local Planning Authority detailing how the development has been designed to minimise the potential for crime and anti-social behaviour. The statement does not require reference to the 'refreshment |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>centre', but should include consideration of the following (but not limited to):
entrances to car parks should be protected by height restricted barriers that are permanently secured in place;
entrances to paths should be designed to discourage any passenger vehicle designed for operation on ordinary roads to gain access and should include signage which indicates that use of paths within the Country Park is restricted to bicycles and/or pedestrians.
The approved crime prevention measures shall be installed in full prior to first use of the hereby approved development and shall be retained in perpetuity.</p> <p>Reason: To minimise the potential for crime and anti-social behaviour in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;</p> |
| (23) | <p>no development shall commence or be used for the approved purpose within the area identified as 'AC Lloyd Reprofilng Area' (hereafter 'reprofiled area') as shown on drawing 807055-WOOD-XX-XX-DR-L-00046 submitted to the Local Planning Authority on 7th October 2022, unless and until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the Local Planning Authority:</p> <p>1.(a) 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 planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:</p> <ul style="list-style-type: none">§ A risk assessment to be undertaken relating to human health§ A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected§ An appropriate gas risk assessment to be undertaken |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>§ Refinement of the conceptual model</p> <p>§ The development of a method statement detailing the remediation requirements</p> <p>(b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.</p> <p>(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion.</p> <p>This should be approved in writing by the planning authority prior to the remediation being carried out on the site.</p> <p>2. All development of the site shall accord with the approved method statement.</p> <p>3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the 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>4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report; and</p>
(24)	prior to first use of the site, details showing the relationship between the Country Park and the 'periscope access road' serving the education land and the relationship between the Country Park

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

and pedestrian access to the west of the school site shall be submitted to and approved in writing by the Local Planning Authority. Details should include large scale plans and sections showing the layout and vertical alignment and a programme of works. The development shall be carried out only in accordance with the approved details.

81. **W/22/0450 – Former Mothercare Unit, Leamington Shopping Park, Tachbrook Park Drive, Warwick**

The Committee considered an application from Aldi Stores Ltd for a variation of condition 5 (BREEAM assessment) of planning permission W/21/0179 to replace the requirement for BREEAM Very Good certification with the BREEAM GAP assessment and Stage 4 synopsis documents.

This application was presented to Planning Committee because it was recommended that planning permission be granted subject to the completion of a legal agreement.

The officer was of the opinion that the proposal would still meet with the requirements and overall aims of Local Plan policy CC3 and therefore Officers considered that the alternative sustainability approach met the requirements of the aforementioned policy. Further information would still be required in order to demonstrate that the proposed carbon reduction measures had been installed, after completion of the building. The application was therefore recommended for approval.

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

The Committee therefore

Resolved that W/22/0450 be **granted** subject to 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 approved drawings:

H20A40-P010 (floor plan), H20A40-P011 (roof plan), H20A40-P021 (elevations), H20A40-P030 (sections), H20A40-P040 (visuals), MEL-467-001-P3 (soft landscaping scheme), submitted on 29th January 2021, and

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | H20A40-P003 (site plan), submitted on 25th March 2021, 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; |
| (2) | <p>the development hereby permitted shall not commence unless and until tree protection measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of demolition and construction works. The proposals must refer to all the trees within the site as well as those highway trees on the approach that may be affected by the proposed demolition and re-development, and must include:</p> <ul style="list-style-type: none">a) an arboricultural method statement and tree protection plan in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, Clause 7 in particularb) an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development <p>Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;</p> |
| (3) | <p>the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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. 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; |
| (4) | prior to commencement of development, 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: <ul style="list-style-type: none">a) How the development will reduce carbon emissions and utilise renewable energy.b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.c) How proposals will de-carbonise major development.d) Details of the building envelope (including U/R values and air tightness).e) How the proposed materials respond in terms of embodied carbon. |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised. |
| | g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs, and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, |

The development shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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 (2021);

- (5) within six months of the first occupation of the development, a report shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the energy efficiency measures detailed within the Stage 4 Carbon Assessment Synopsis and BREEAM GAP assessment have been implemented in full. These measures shall be retained as per the approved details or replaced with a betterment in energy efficiency terms.

Reason: To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029;

- (6) no development, other than works of demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:</p> <ul style="list-style-type: none"><li data-bbox="807 371 1418 506">• Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.<li data-bbox="807 517 1418 931">• Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.<li data-bbox="807 943 1418 1245">• If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.<li data-bbox="807 1256 1418 1426">• Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

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;

- (7) no development shall be carried out above slab level unless and until a hard 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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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. 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) | prior to the occupation of the development hereby permitted, the air quality mitigation measures outlined within the BWB technical note (Ref. ALS-BWB-VUT-ZZ-RP-G-0001_TN, Rev 2, dated 8th June 2021) shall be implemented in full. 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; |
| (9) | within twelve months of the first occupation of the development hereby permitted, the applicant shall submit a Travel Plan to promote sustainable transport choices to the site for approval by the local planning authority in writing. The measures (and any variations) approved shall continue to be implemented at all times thereafter.
Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document; |
| (10) | no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2100 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 |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (11) | noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (12) | the use of the lighting for the approved development shall be carried out and operated only in full accordance with the external lighting report and specification document prepared by Building Management Technology (Ref. B3621 (79_E1461), Issue A, dated 11th January 2021) and lux plot drawing (Drawing No. 79_E1461-BMT-XX-XX-DR-E-0105-A3-P01). Reason: To ensure that any lighting is operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (13) | no occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA 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 within the maintenance plan. Reason: To ensure the future maintenance of the sustainable drainage structures; |
| (14) | 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 |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (15) | no development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details. Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (16) | in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029; |
| (17) | 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 |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority.
Reason: In the interests of Public Safety from fire and the protection of Emergency Fire Fighters; |
| (18) | the development hereby permitted shall be carried out in strict accordance with the approved soft landscaping scheme. 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; |
| (19) | the development hereby permitted shall be carried out to wholly accord with the detailed mitigation and enhancement measures as set out in the document 'Ecological Mitigation Strategy' (Revision B) prepared by Middlemarch Environmental Ltd. Reason: To ensure that protected species are not harmed by the development in accordance with the requirements of policy NE2 of Warwick District Local Plan 2011 - 2029. In order to discharge the condition above, a brief report from an ecologist following the bat and bird box installation must be submitted to and approved by the Local Planning Authority (with advice from WCC Ecological Services); and |

PLANNING COMMITTEE MINUTES (Continued)

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

82. **W/22/0703 – Former Mothercare, Leamington Shopping Park, Tachbrook Park Drive, Warwick**

The Committee considered an application from Aldi Stores Ltd for a variation of condition two (plan numbers) of application W/21/0179 to allow for amendments to the approved site plan, principally the inclusion of Armco barrier alongside the highway, addition of a substation and amendment to location of cycle storage.

This application was presented to Planning Committee because it was recommended that planning permission be granted subject to the completion of a legal agreement.

The officer was of the opinion that the proposed amendments were modest changes to the wider scheme which had an acceptable impact and were policy compliant. The application was therefore recommended for approval.

Members were advised that the addition of the substation would not require the removal of a tree. There was a tree at the site of the proposed substation in the original plans, but this was only a hypothetical possibility.

The Chairman suggested that a note be added encouraging the planting of trees to replace the one 'lost' due to the substation.

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

The Committee therefore

Resolved that W/22/0703 be **granted** subject to:

- a) an advisory note to be written by officers, encouraging the planting of trees; and
- b) the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (1) | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:</p> <p>H20A40-P010 (floor plan), H20A40-P011 (roof plan), H20A40-P021 (elevations), H20A40-P030 (sections), H20A40-P040 (visuals), MEL-467-001-P3 (soft landscaping scheme), submitted on 29th January 2021, and</p> <p>H20A40-P003 Rev H (site plan), submitted on 20th September 2022, 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> |
| (2) | <p>the development hereby permitted shall not commence unless and until tree protection measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of demolition and construction works. The proposals must refer to all the trees within the site as well as those highway trees on the approach that may be affected by the proposed demolition and re-development, and must include:</p> <ul style="list-style-type: none">a) an arboricultural method statement and tree protection plan in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, Clause 7 in particularb) an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development <p>Reason: In order to protect and preserve existing trees within the site which are of amenity value in</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029; |
| (3) | <p>the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (4) | <p>prior to commencement of development, 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> |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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

The development shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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 (2021);

- (5) within six months of the first occupation of the development, a report shall be

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | submitted to and approved in writing by the Local Planning Authority demonstrating that the energy efficiency measures detailed within the Stage 4 Carbon Assessment Synopsis and BREEAM GAP assessment have been implemented in full. These measures shall be retained as per the approved details or replaced with a betterment in energy efficiency terms. Reason: To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029; |
| (6) | <p>no development, other than works of demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:</p> <ul style="list-style-type: none">• Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.• Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.• If discharging to a drainage system maintained/operated by |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.</p> <ul style="list-style-type: none">• Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event. <p>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;</p> |
| (7) | <p>no development shall be carried out above slab level unless and until a hard 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. 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> |
| (8) | <p>prior to the occupation of the development hereby permitted, the air quality mitigation measures outlined within the BWB technical note (Ref. ALS-BWB-VUT-ZZ-RP-G-0001_TN, Rev</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 2, dated 8th June 2021) shall be implemented in full. 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; |
| (9) | within twelve months of the first occupation of the development hereby permitted, the applicant shall submit a Travel Plan to promote sustainable transport choices to the site for approval by the local planning authority in writing. The measures (and any variations) approved shall continue to be implemented at all times thereafter. Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document; |
| (10) | no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2100 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; |
| (11) | noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (12) | the use of the lighting for the approved development shall be carried out and operated only in full accordance with the external lighting report and specification document prepared by Building Management Technology (Ref. B3621 (79_E1461), Issue A, dated 11th January 2021) and lux plot drawing (Drawing No. 79_E1461-BMT-XX-XX-DR-E-0105-A3-P01). Reason: To ensure that any lighting is operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (13) | no occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA 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 within the maintenance plan. Reason: To ensure the future maintenance of the sustainable drainage structures; |
| (14) | 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 |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | BE1 of the Warwick District Local Plan 2011-2029; |
| (15) | no development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details. Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (16) | in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029; |
| (17) | 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 |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | of any dwelling to the satisfaction of the Local Planning Authority.
Reason: In the interests of Public Safety from fire and the protection of Emergency Fire Fighters; |
| (18) | the development hereby permitted shall be carried out in strict accordance with the approved soft landscaping scheme. 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; |
| (19) | the development hereby permitted shall be carried out to wholly accord with the detailed mitigation and enhancement measures as set out in the document 'Ecological Mitigation Strategy' (Revision B) prepared by Middlemarch Environmental Ltd. Reason: To ensure that protected species are not harmed by the development in accordance with the requirements of policy NE2 of Warwick District Local Plan 2011 - 2029. In order to discharge the condition above, a brief report from an ecologist following the bat and bird box installation must be submitted to and approved by the Local Planning Authority (with advice from WCC Ecological Services); |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (20) | the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas, and cycle parking areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029; and |
| (21) | within one calendar month of the granting of this permission, the Vehicle Restraint System indicated on submitted plan H20A40-P003 Rev H shall be installed in accordance with details to be submitted to and agreed by the Local Planning Authority in conjunction with Highway Authority's Structural Engineer. Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029. |

83. **W/22/1345 – Althorpe Enterprise Hub, Althorpe Street, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for the replacement of existing aluminium windows with white (later revised to grey) UPVC double glazed units, and installation of integral solar panels to the front and rear roof slopes.

The application was referred to Planning Committee because the applicant was Warwick District Council.

The officer was of the opinion that the proposed works to the building were limited to the replacement of existing window units and installation of solar PV panels to its eastern and western roof aspects.

The replacement of existing aluminium windows with grey coloured UPVC units was considered acceptable in design terms. The scheme did not comprise the introduction of any additional openings, nor any change to the window layout. The existing site was of no notable architectural or historic value and the proposed alterations to fenestration would somewhat modernise and refresh its appearance.

PLANNING COMMITTEE MINUTES (Continued)

The proposed installation of photovoltaics to the roof of the site would result in a somewhat greater visual implication on its setting. However, given that this was characterised by commercial and industrial units no appreciable harm to the setting was viewed to result from this element of the works. In addition, the proposed use of Marley solar tiles as opposed to traditional panels further reduced the visual prominence of the development by setting the photovoltaics into the roof aspects as opposed to mounting on top of them.

While within proximity of the Canal Conservation Area, the proposed development was not considered to result in any harm to the setting of this heritage designation. Overall, it was considered that the works would form appropriate design features that would not adversely affect the character and appearance of the area.

The proposed works would not result in any material implication to current and future occupiers of the site in amenity terms.

As a result of these considerations, overall, the development was considered to comply with Policy BE3 in terms of impact on amenity to neighbouring uses and the amenity of the future occupiers.

An addendum circulated prior to the meeting advised that the proposed colour of replacement UPVC window units had been revised from white to grey. This revision was considered acceptable in design terms and the description of development was updated accordingly.

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

The Committee therefore

Resolved that W/22/1345 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | the development hereby permitted shall begin no later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved site location plan and solar tile manufacturer specification 'Marley SolarTile' submitted on the 13th September 2022, drawings 'XX-ZZ-02-AR-012004', 'XX-ZZ-02-AR-012005' submitted on the 20th September 2022, and specification contained therein. Reason: For the avoidance of doubt and to secure a satisfactory form of development |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3) | the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building in order to fit the proposed solar panels. All roofing material is to be removed carefully by hand. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent survey work, recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. 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; and |
| (4) | no part of the development hereby permitted shall be commenced until a scheme for the provision of 2 bat 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. Reason: To ensure net gains in biodiversity, in accordance with the requirements of the NPPF. |

(The meeting ended at 8.42pm)

CHAIRMAN
13 December 2022

Planning Committee

Minutes of the meeting held on Wednesday 9 November 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Civic & Committee Services Manager – Patricia Tuckwell; Legal Advisor – Ross Chambers; Development Manager – Gary Fisher; and Principal Planning Officer – Dan Charles.

84. **Apologies and Substitutes**

- (a) Apologies for absence were received from Councillor Norris; and
- (b) Councillor K Dickson substituted for Councillor R Dickson.

85. **Declarations of Interest**

Minute Number 88 – W/21/1811 – Land on the East Side of Glasshouse Lane, Kenilworth

Councillor K Dickson declared an interest because she was a member of the Town Council Planning Committee which considered the application previously and left the room when this item was being considered.

86. **Site Visits**

There were no site visits made.

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

This item was withdrawn from the agenda. This was because the applicant had submitted further highways information, and the highways officer needed more time to review this information and provide updated advice to the Committee.

(Councillor K Dickson left the room.)

88. **W/21/1811 – Land on the East Side of Glasshouse Lane, Kenilworth**

The Committee considered an application from Crewe Lane Kenilworth JV LLP for reserved matters for the layout, scale appearance, materials, and landscaping for 620 dwellings in pursuance of outline planning permission W/18/1635.

The application was presented to Committee because an objection from Kenilworth Town Council had been received.

The planning officer considered that the proposed development would provide a high-quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and

PLANNING COMMITTEE MINUTES (Continued)

affordable housing and acceptable dwelling house and layout design solutions, including landscaping and public open space. There would be no harm arising in terms of neighbour amenity, highway safety or ecology and as such, it was considered that the scheme therefore complied with the policies listed. Accordingly, the recommendation was that the reserved matters should be approved.

An addendum circulated prior to the meeting advised of a final response from Warwickshire County Council (WCC) Highways raising no objection subject to the conditions received on the day of the meeting.

The addendum also provided a list of questions from Members and their answers issued by officers ahead of the meeting.

The following people addressed the Committee:

- Councillor Jones, representing Kenilworth Town Council, objecting;
- Mr Martin, objecting; and
- Ms Griffiths, supporting.

At the start of the debate, Members became aware that the applicant, Crewe Lane Kenilworth JV LLP, was a joint venture that involved Milverton Homes and another company. Milverton Homes was a Warwick District Council (WDC) housing initiative, with it being owned by WDC. Members therefore sought legal advice on the matter of declaring of interest in the item.

(At 6.35pm, the public meeting was adjourned, and it moved into a private session, so that Members could receive legal advice and clarification if there was an interest for the Committee to declare or not. The meeting resumed in public session at 6.58pm.)

For the purpose of transparency and clarity, the Chairman declared an interest on behalf of the Committee because the applicant was Crewe Lane Kenilworth JV LLP, and Milverton Homes was a wholly owned subsidiary of Warwick District Council and was a partner in Crew Lane LLP, who were the developers on the site. For the avoidance of any doubt, the Chairman clarified that during the private session, no discussion on the application had taken place, and it was on the technical matters around declaring an interest in light of the applicant's relationship with Warwick District Council.

When put to vote, a proposal made by Councillor Morris and seconded by Councillor Noone to defer the item subject to more information on sustainability matters being made available was defeated.

Officers advised that some of Members' concerns around driveways being built from a permeable material, cycling facilities being provided in accordance to LTN standards and provision of all ages play and exercise equipment could be mitigated by way of conditions of notes.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Gifford that the

PLANNING COMMITTEE MINUTES (Continued)

application should be granted, subject to the additional conditions from WCC Highways, and additional notes and conditions as below.

The Committee therefore

Resolved that W/21/1811 be **granted**, subject to:

- (1) a note asking the applicant that the exercise and play equipment should be suitable for all ages, details of which are to be agreed under the Section 106 agreement; and
- (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 approved drawing(s), and specification contained therein, submitted following WCC Highways response.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (2) | the development shall not be occupied until it has been laid out in general accordance with drawing no. drawing no. J32-5319-PS-070 Rev B Geometrics Southern Parcel and drawing no. J32-5319-PS-071 Rev B Geometrics Northern Parcel; |
| (3) | the construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority; |
| (4) | the accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway; |
| (5) | no development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | parking and loading/unloading of staff/construction/delivery vehicles; |
| (6) | prior to first occupation, a plan will be required to be submitted detailing the provision and placement of 20mph Zone signs at the entrance into the 20mph areas of the development for the approval of the Local Planning Authority in consultation with the Highway Authority; |
| (7) | 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; |
| (8) | the driveways be built from a permeable material in order to reduce the flooding risk; |
| (9) | cycling provision throughout the site to be built in accordance with LTN provisions, or any guidance revoking, replacing or re-enacting that document with or without modification; |

Before issuing the decision notice, officers will seek assurance that the WDC Waste Management officer is satisfied that the bin collection points do not exceed the maximum carry distances on various plots.

(Councillor K Dickson re-joined the meeting.)

89. W/22/1022 – 17 Vicarage Road, Lillington, Royal Leamington Spa

The Committee considered an application from Downes for the demolition of an existing rear extension and erection of a replacement single storey rear extension with green roof and subterranean level and a two-storey side extension.

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

The officer was of the opinion that the proposal was considered to constitute acceptable design quality and an acceptable impact on the conservation area, an acceptable impact on the amenity of the neighbours and the current and future occupiers of the dwelling. The development was considered to pose a low risk to protected species and would not be detrimental to highway safety. The proposed development was in accordance with all of the policies mentioned in the report, and it was therefore recommended that planning permission should be granted.

PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated prior of the meeting advised that an error had been made in the officer's report. The proposed rear extension had not been reduced in height, only stepped away from the shared boundary. The rear extension was still considered not to worsen the impacts on neighbour amenity from what was currently existing. The addendum also confirmed that the accuracy of the report and the positioning of the trees had been checked and verified with the applicant.

The following people addressed the Committee:

- Mrs Leventhal, on behalf of Mrs Rushton, objecting; and
- Councillor Russell, District Councillor, objecting.

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

The Committee therefore

Resolved that W/22/1022 be **refused** contrary to the recommendation in the report because it was considered that the proposal would be harmful to the character and appearance of the Conservation Area in which it is located, contrary to Local Plan policy HE2.

(At 8.13pm, the meeting was adjourned for 11 minutes for a comfort break.)

90. **W/21/1790 – Green Acres, 34 Bridge Street, Barford**

The Committee considered an outline application from Mr & Mrs Locker for a proposed first floor loft conversion, associated roof replacement including the installation of roof dormers; proposed erection of two-storey rear extension; proposed erection of single storey rear extension to existing garage to include erection of greenhouse to the side elevation; and the proposed erection of detached garage to frontage.

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

In the officer's opinion, the proposals did not result in unacceptable impact on the street scene and amenity of neighbouring occupiers, nor did they unacceptably impact on protected species. The amended proposals therefore complied with Local Plan Policies HE1, BE3 and NE2 and Neighbourhood Plan Policies B6 and B8. It was recommended planning permission should be granted subject to conditions.

An addendum circulated prior to the meeting advised that the main building at the site had an eaves height of 2.4 metres which was not proposed to change. It currently had a ridge height of 5 metres. The proposals initially indicated an increased ridge height of 7 metres, however, during the course of the application, this had been amended to 6.5 metres. As a result of the positioning of the proposals, the increased ridge height was not considered

PLANNING COMMITTEE MINUTES (Continued)

to unacceptably impact upon the amenity of neighbouring occupiers or the character of the Conservation Area and street scene.

The addendum also advised that the pool building was proposed to have an eaves height of 2.4 metres and a ridge height of 5.3 metres. There was significant space on site for off street parking in accordance with the Parking Standards SPG.

The addendum informed Members of comments from the applicant, who was no longer able to attend the meeting.

Mr Dunn addressed the Committee, objecting to the application.

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

The Committee therefore

Resolved that W/21/1790 be **refused** contrary to the recommendation in the report because the proposals were considered to be harmful to the amenities of a nearby residential property, contrary to Local Plan Policy BE3.

91. **W/22/1429 – 40 High View Road, Cubbington, Royal Leamington Spa**

The Committee considered an application from Mrs S Mackenzie for the erection of a single storey front extension and a two-storey side extension.

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

The officer was of the opinion that the proposal constituted good quality design and had 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 Members that the single-storey rear extension fell within permitted development parameters and therefore was not addressed within the application.

Members noted the objection received from Cubbington Parish Council and that no representative registered to address the Committee.

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

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/22/1429 be **granted** in accordance with the recommendation in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 22/19-01, and specification contained therein, submitted on 01/09/2022. **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; and
- (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.

92. **W/22/1521 – 1 St Chads Cottage, Old Warwick Road, Lapworth**

The Committee considered an application from Mr T Daplyn for the erection of a two storey side/rear extension plus alteration to fenestration.

The report advised Members that the application site related to a semi-detached house within a large plot. The site was adjacent to the canal but not within the Canal Conservation Area, and Lapworth was a growth village removed from the Green Belt.

The officer was of the opinion that the proposed design was acceptable under Policy BE1; there was no breach of the 45-degree rule and no distance separation issues, which meant no conflict with Policy BE3, and the application was therefore recommended for approval.

Members noted the objection received from Lapworth Parish Council and that no representative registered to address the Committee.

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

The Committee therefore

Resolved that W/22/1521 be **granted**, subject to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- (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 C, and specification contained therein, submitted on 20/09/2022. **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; and
- (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.

(The meeting ended at 9pm)

CHAIRMAN
15 December 2022

Planning Committee

Minutes of the meeting held on Tuesday 15 November 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Committee Services Officer – Rob Edwards; Legal Advisor – Ross Chambers; Principal Planning Officer – Helena Obremski (Remote Attendance); Business Manager – Sandip Sahota; Planning Officer – Jonathan Gentry; and Planning Officer – George Whitehouse.

93. **Apologies and Substitutes**

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

94. **Declarations of Interest**

Minute Number 96 – Oakley Grove School, Land at Oakley Wood Road, Bishops Tachbrook

Councillor Gifford declared an interest because he was a Warwickshire County Councillor. Although he had not been involved in the project, he left the meeting during this item.

Minute Number 101– W/22/1203 - Stoneleigh Arms, 31 Clemens Street, Royal Leamington Spa

The Chairman declared an interest on behalf of all Members due to the site being owned by the District Council and the applicant being Complex Development Projects Ltd (CDP); the development partner of Warwick District Council.

(Councillor Gifford left the room).

95. **Site Visits**

There were no site visits made.

96. **W/22/1250 – Oakley Grove School, Land at Oakley Wood Road, Bishops Tachbrook**

The Committee considered a Reserved Matters application in association with W/19/1030 from Willmott Dixon Construction Ltd for an all-through school (including nursery, primary school, secondary school, and sixth form), sports hall and outdoor sports and play facilities together with associated roads, car parking, landscaping, and supporting infrastructure.

This application had been referred to the Planning Committee due to an objection from Bishops Tachbrook Parish Council.

PLANNING COMMITTEE MINUTES (Continued)

The principle of the development was accepted under the outline application.

The officer was of the opinion that the proposed development was represented an appropriate form of development and would deliver significant benefits in terms of education provision for the District and also shared community facilities. Whilst there would be modest harm to landscape character and less than substantial harm to heritage assets, the principle of development of this site was established and the proposal had been designed in accordance with the parameters set out under the outline permission. The material benefits outweighed the harm identified. The scheme represented an appropriately designed scheme, which would become more visually integrated into the landscape over time.

The application was therefore recommended for approval, subject to the recommended conditions.

An addendum circulated prior to the meeting advised of additional consultation responses, additional public responses, amendments to plans since the report was published, and revised conditions.

The following people addressed the Committee:

- Councillor Carter, Parish Councillor, objecting;
- Mr Berry, objecting; and
- Mrs Hartley, the applicant.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Murphy that the application should be granted, subject to the amended conditions in the addendum and additional notes below.

The Committee therefore

Resolved that W/22/1250 be **granted** subject to:

- (1) a note to strongly encourage stakeholder engagement in agreeing the construction management plan and to clarify the need to ensure that the construction management plan is discharged under outline application W/19/1030 before construction begins;
- (2) a note to encourage the use of higher sustainability measures than BREEAM 'very good', which ensure that the current design will be adaptable to future targets for sustainability, notably at the post construction phase;
- (3) a review of the wording of condition 9 with the Council's Legal Services Team to ensure that cycle parking is suitably monitored, and that

PLANNING COMMITTEE MINUTES (Continued)

additional cycle parking is delivered where needed; and

(4) the following conditions:

- | No. | Condition |
|------------|---|
| (1) | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:</p> <p>M489-CW-AA-00-DR-A-2101 Rev P06 (nursery ground floor), M489-CW-AA-RF-DR-A-2102 Rev P06 (nursery roof), M489-CW-BB-00-DR-A-2201 Rev P06 (primary ground floor), M489-CW-BB-01-DR-A-2202 Rev P06 (primary first floor), M489-CW-BB-RF-DR-A-2203 Rev P06 (primary roof), M489-CW-BB-XX-DR-A-2151 Rev P07 (primary east and west elevations), M489-CW-CC-00-DR-A-2301 Rev P07 (secondary ground floor), M489-CW-CC-01-DR-A-2302 Rev P06 (secondary first floor), M489-CW-CC-02-DR-A-2303 Rev P06 (secondary second floor), M489-CW-CC-RF-DR-A-2304 Rev P06 (secondary roof plan), M489-CW-DD-00-DR-A-042001 Rev P01 (sports hall ground floor), and M489-CW-EE-ZZ-DR-A-0101 Rev P05 (site plan), submitted on 29th July 2022; and</p> <p>M489-CW-DD-01-DR-A-042002 Rev P03 (sports hall plant level), M489-CW-DD-RF-DR-A-042003 Rev P03 (sports hall roof plan), M489-CW-DD-XX-DR-A-042101 Rev P03 (sports hall east and west elevations) and M489-CW-DD-XX-DR-A-042102 Rev P03 (sports hall south and north elevations) submitted on 10th October 2022; and</p> <p>M489-INF-XX-00-DR-L-21002 Rev P05 (site sections sheet 1 of 2) and 489-INF-XX-00-DR-L-21003 Rev P03 (site sections sheet 2 of 2), submitted on 11th October 2022; and,</p> <p>M489-CW-CC-XX-DR-A-032103 Rev P02 (sixth form elevations) and M489-CW-DD-XX-DR-A-042150 Rev P02 (sports hall sections) submitted on 14th October 2022; and,</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>M489-SBK-ZZ-XX-DR-C-511 Rev P03 (access road level details) and M485-SBK-ZZ-XX-DR-C-514 Rev P01 (access road longitudinal section) submitted on 4th November 2022; and,</p> <p>M489-CW-AA-XX-DR-A-012101 Rev P03 (nursery elevations), M489-CW-BB-XX-DR-A-022101 Rev P03 (primary north and south elevations), M489-CW-CC-XX-DR-A-032101 Rev P05 (secondary east and west elevations), M489-CW-CC-XX-DR-A-032102 Rev P04 (secondary south and north elevations), and submitted on 14th November 2022,</p> <p>and specification contained therein.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (2) | <p>prior to any commencement of development of the "area for potential future expansion" as shown on drawing M489-CW-EE-ZZ-DR-A-0101 Rev P05 (site plan), details of hard and soft landscaping must be submitted to and agreed in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary treatments; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the 'area for potential future expansion'; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation of the area. 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</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>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> |
| (3) | <p>no development of each phase shall be carried out above slab level unless and until samples of the external facing materials to be used for that phase 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 be carried out above slab level until final details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details.</p> <p>Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | of the Warwick District Local Plan 2011-2029; |
| (5) | <p>no hard and soft landscaping works shall commence until final details have been submitted to and approved in writing by the local planning authority in general accordance with submitted plans:</p> <p>M489-INF-XX-00-DR-L-03001 Rev P05 (landscape master plan sheet 1 of 2), M489-INF-XX-00-DR-L-03002 Rev P04 (landscape master plan sheet 2 of 2), M489-INF-XX-00-DR-L-03003 Rev P07 (landscape masterplan – whole site), M489-INF-XX-00-DR-L-90001 Rev P09 (hard landscaping plan sheet 1 of 2), M489-INF-XX-00-DR-L-90002 Rev P08 (hard landscaping plan sheet 2 of 2), M489-INF-XX-00-DR-L-90003 Rev P07 (boundary plan sheet 1 of 2), M489-INF-XX-00-DR-L-90004 Rev P05 (boundary plan sheet 2 of 2) submitted to the Local Planning Authority on 14th November 2022;</p> <p>Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary treatments and gates to be erected, specifying their colour and design; footpaths; details of the cycle stores and bins stores; 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</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029; |
| (6) | the development hereby permitted shall not be occupied unless and until all of the car parking and maneuvering 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; |
| (7) | prior to their installation, details of the retaining structures shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the layout and external appearance, including details of the materials, of the retaining structures. 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; |
| (8) | the development hereby permitted shall not be occupied unless and until 480 cycle storage spaces indicated on the approved drawings have been provided and thereafter those areas shall be kept |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | marked out and available for such use at all times.

Reason: To ensure sustainable access to the site in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029; |
| (9) | the occupier must monitor the use of the 480 cycle parking spaces from first use of the development until the tenth anniversary of the first use on a monthly basis. A report detailing the monitoring must be provided to the Local Planning Authority on an annual basis setting out the level of use. Where the annual report demonstrates that 80% of the cycle parking spaces are in daily use during school hours, the occupier shall submit a scheme for delivery of up to 63 additional spaces within the site to the Local Planning Authority within 28 days. The scheme must take account of additional demand, a strategy for delivery and programme of works. The delivery of the additional cycle parking must be completed in full and in accordance with the approved scheme.

Reason: To ensure sustainable access to the site in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029; and |
| (10) | noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

the Warwick District Local Plan 2011-2029.

(Councillor Dickson left the meeting).

(Councillor Gifford re-joined the meeting).

97. W/22/0367 – Clinton House, Old Warwick Road, Rowington

The Committee considered an application from Mr and Mrs Joyce for the proposed erection of a single storey dwelling.

The application had been referred to the Planning Committee because Rowington Parish Council supported the application, and it was recommended for refusal.

The officer was of the opinion that the proposal was unacceptable in principle and comprised inappropriate development in the Green Belt.

The details submitted in support of the application had been carefully considered against relevant local and national policy considerations, and these were not viewed to appropriately justify or mitigate the impacts of the development. It was therefore recommended that planning permission should be refused.

An addendum circulated prior to the meeting clarified that the public representation received was recorded as an objection comment.

The following people addressed the Committee:

- Ms Savage, the applicant; and
- Councillor Hales, District Councillor, supporting.

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

The Committee therefore

Resolved that W/22/0367 be **refused** for the following reasons:

- (1) Policy H1 of the Warwick District Council Local Plan 2011-2029 sets out the circumstances in which housing development will be permitted. H1(c) cites one such circumstance as being within the boundaries of Growth Villages and Limited Infill Villages, listed within the policy and as shown on the Policies Map.

Although Kingswood is one of the identified Growth Villages listed at Policy H1, the site is located outside of the established village

PLANNING COMMITTEE MINUTES (Continued)

boundary as identified on the Policies Map. In addition, the development would not fulfil an identified housing need, or provide safe access to services. Accordingly, the principle of new residential development cannot be considered to be acceptable having regard to the provisions of Policy H1 of the Local Plan.

For these reasons the proposal is therefore contrary to the aforementioned policy;

- (2) the NPPF and Policy DS18 of the Warwick District Local Plan state that construction of new buildings should be considered to constitute inappropriate development, with the exception of an explicit list of development forms.

The proposed new dwelling is not viewed to meet any of the outlined exceptions to inappropriate development established by the NPPF. In the opinion of the Local Planning Authority, the proposed development constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the aforementioned policies; and

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

It has not been appropriately demonstrated that the scheme would appropriately protect the and mitigate for the presence of protected species in line with the requirements of Policy NE2.

Therefore, in the opinion of the Local Planning Authority the proposed development would cause unacceptable harm to protected species. The development is thereby considered to be contrary to the aforementioned policy.

98. **W/14/0681 – Land South of Gallows Hill/West of Europa Way, Warwick**

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an outline application from Gallagher Estates for a residential development of up to a maximum of 450 dwellings, provision of two points of access (one from Europa Way and one from Gallows Hill), comprehensive green infrastructure and open spaces including potential children's play space, potential footpaths and cycleways, foul and surface water drainage infrastructure, including attenuation pond, ancillary infrastructure, and ground modelling.

The application had been referred to the Planning Committee due to the applicant seeking a change to one of the trigger points within the Section 106 Agreement relating to the delivery of Public Open Space.

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

There would be no difference to the overall level of open space to be delivered through the Section 106 Agreement and the site would still benefit from open space to the other areas of the site at the agreed trigger point.

The changes had the agreement of the relevant consultee, and it was considered reasonable to recommend approval of the variation.

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

It was therefore recommended that the Committee should approve the addition to allow the required change to be incorporated through a Deed of Variation to the Section 106 Agreement.

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

The Committee therefore

Resolved that the proposed Deed of Variation to the signed Section 106 agreement, be **granted**.

99. W/22/0316 – The Cats Pause, Three Wells, Haseley Knob, Haseley

The Committee considered an application from Semple for the demolition of existing buildings and conversion and extension of former stables to form one dwelling.

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

The officer was of the opinion that the principle of development, to remove all but one of the existing buildings and partially redevelop the site by converting a brick stable to one dwelling, constituted appropriate development in the Green Belt. Furthermore, the location of the site accorded with the housing policies of the Local Plan and the proposals were

PLANNING COMMITTEE MINUTES (Continued)

considered to accord with the principles of converting rural buildings. Overall, the principle of development was therefore considered acceptable.

It was considered there would be no resulting harm to the amenity of neighbouring dwellings and adequate standards of amenity were proposed for the future occupiers. There would be no detriment to highway safety, sufficient parking was proposed in line with the adopted standards, and there would be no harm to ecology/biodiversity. Subject to the imposition of suitable conditions, it was recommended that planning permission should be approved.

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

The Committee therefore

Resolved that W/22/0316 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 905-D5A-00-ZZ-DR-A-0102 Rev.P03, 905-D5A-00-ZZ-DR-A-0301 Rev.P03, 905-D5A-00-ZZ-DR-A-0401 Rev.P01, 905-D5A-00-ZZ-DR-A-0403 Rev.P01 and specification contained therein, submitted on 18 February 2022, approved drawing 905-D5A-00-ZZ-DR-A-0001 Rev.P02 and specification contained therein, submitted on 22 June 2022, approved drawing 905-D5A-00-ZZ-DR-A-0103 Re.P06 and specification contained therein, submitted on 24 August 2022 and approved drawing 905-D5A-00-ZZ-DR-A-0002 Rev.P01 and specification contained therein, submitted on 17 October 2022.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (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> <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; ande) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading. <p>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.</p> <p>Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019);</p> |
| (4) | <p>no development shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>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;</p> |
| (5) | <p>the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.</p> <p>Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;</p> |
| (6) | <p>the development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of and supervision of works, toolbox talk, replacement roost details for the identified</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | roost proposed for destruction, additional roosting features for crevice dwelling bats within the new replacement dwelling including timescale for installation, monitoring, licensing details, and further survey work if deemed necessary) has been completed in consultation with a suitably qualified bat worker and submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full and maintained in perpetuity.

Reason: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.0; |
| (7) | no part of the development hereby permitted shall be commenced, until a scheme for the provision of 3 nest boxes for birds to be erected on buildings/trees within the site has been submitted and approved in writing by the Local Planning Authority. The scheme shall include details of box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

Reason: To enhance the nature conservation value of the site in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029; |
| (8) | the development hereby permitted shall not be occupied unless and until all other buildings and structures have been cleared and permanently removed from the site as shown on approved drawing 905-D5A-00-ZZ-DR-A-0102 Rev.P03.

Reason: To define the terms of the planning permission, to enable appropriate development in and to preserve the openness of the Green Belt in accordance with Policy DS18 of the Warwick District Local Plan 2011-2029 and the NPPF; |
| (9) | prior to the occupation of the dwelling hereby permitted, one 16amp (minimum) electric vehicle recharging point shall be installed in accordance with details first submitted to and approved in writing by the |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | District Local Plan 2011-2029; |
| (12) | <p>the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. 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>Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;</p> |
| (13) | <p>noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the facade 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.</p> <p>Reason: To ensure that the level of noise emanating from the proposed air source heat pump 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> |
| (14) | <p>the occupation of the dwelling hereby permitted shall be restricted to a person or persons associated with the management/operation of the adjacent</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	cattery. For the avoidance of doubt such persons shall include a spouse, partner, widow or widower of such a person, and any dependants who reside with such a person.
	Reason: To ensure that future occupants do not experience unacceptable levels of noise and/or odours arising from the cattery business in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029; and
(15)	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, G and H, Part 2, Classes A, B and C and Part 14, Classes A, C, D, E, F, G, H and I of this Order.
	Reason: Due to the particular character of the area and nature of the proposals which relate to the conversion of a rural building, it is considered necessary to ensure that no further development is carried out which would detract from the character and appearance of the rural building and the surrounding area in accordance with Policies BE1 and BE4 of the Warwick District Local Plan 2011-2029.

100. **W/22/1008 – 2 Chase Meadow Square, Narrow Hall Meadow, Warwick**

The Committee considered an application from Ale Hub Limited for the change of use from a Class E (café) to a Micropub (Sui Generis).

This application had been referred to the Planning Committee due to the number of objections received.

The officer was of the opinion that the proposals were acceptable subject to the suggested conditions. It was therefore recommended that Planning Permission should be granted subject to conditions.

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

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/22/1008 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 2022-04, and specification contained therein, submitted on 13/06/2022 approved document 4322.220906 NIA and specification contained therein, submitted on 07/09/2022.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (3) | <p>the use hereby permitted shall only be open to customers between the hours of 07:30 and 23:00 on Mondays to Sundays.</p> <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> |
| (4) | <p>noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.'</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</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and |
| (5) | the use of the premises hereby permitted shall only operate in accordance with the approved Noise Management Plan submitted 24/10/2022 at all times. Following 12 months of the first occupation, the plan shall be reviewed, and this review shall be agreed in writing by the District 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. |

101. **W/22/1203 - Stoneleigh Arms, 31 Clemens Street, Royal Leamington Spa**

The Committee considered an application from Complex Development Projects Ltd for the demolition of the rear of the Stoneleigh Arms and the erection of temporary building supports as required.

The application had been referred to the Planning Committee due to the site being owned by Warwick District Council, and the applicant being CDP; the development partner of Warwick District Council.

The officer was of the opinion that the principle of development was acceptable in accordance with Policy HE2 of the Local Plan. Given the evidence presented, the physical condition of the building, the reason for the proposed amount of demolition works and the heritage considerations, no objections were raised to the works, and it was noted that any plans for the further redevelopment of the site would form the subject of a separate application for planning permission.

The works were not considered to have any adverse impact on the general character of the area, neighbouring amenity or ecology and a suitable condition was recommended that would mitigate any potential impacts arising from noise and general disturbance.

It was therefore recommended that planning permission should be granted.

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

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/22/1203 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | <p>the development hereby permitted shall begin no later than three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p> |
| (2) | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2400-A-DR-220720-1005 and specification contained therein, submitted on 21 July 2022 and DEM-S-0001 Rev.P01 and 'Existing Plans - Demolition Plan' : Figs. 06 and 07 and specification contained therein, submitted on 10 October 2022.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (3) | <p>the development hereby permitted shall be carried out in full accordance with the Method Statement & Risk Assessment (Doc Ref: DEMO/1018/JM_1-2 Version 2) submitted on 25 October 2022. The safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction shall be ensured at all times.</p> <p>Reason: To ensure that special regard is paid to specific architectural features and to ensure the fabric is protected from damage during the course of works in accordance with Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029 and in the interests of access and residential amenity in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029; and</p> |
| (4) | <p>the demolition works hereby permitted shall be carried out strictly in accordance with the District Council's construction guidelines, 'Warwick District Council Construction Site Working: Guidance following the granting of planning permission'.</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

102. **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 8.42pm)

CHAIRMAN
15 December 2022

Application No: [W 21 / 1456 LB](#)

Town/Parish Council: Leamington Spa
Case Officer: Jane Catterall

Registration Date: 04/10/22
Expiry Date: 29/11/22

01926 456533 jane.catterall@warwickdc.gov.uk

Seaforth House, 8 Warwick New Road, Leamington Spa, CV32 5JF
Re roofing FOR Ms Judy Hall

This application is being presented to Committee due to the amount of support comments received.

RECOMMENDATION

Planning Committee is recommended to refuse Listed Building Consent.

DETAILS OF THE DEVELOPMENT

The applicant seeks listed building consent for the complete replacement of the covering to existing pitched roofs, with the material to be altered from Welsh slate to imported Canadian slate.

THE SITE AND ITS LOCATION

The application relates to a mid-nineteenth century, two storey Victorian Villa. The building is Grade II listed and is the only listed building within the immediate area. The roof consists of two sharply pitched gables and a central low pitch which is screened by a parapet wall.

Seaforth House has a rendered façade with decorative details, including windows in chamfered reveals and hood moulds with end stops, with red brick to the side and rear elevations. The Welsh slate roof is a key focal point for the building, with five tall stacks with cornices drawing attention to this area.

The building is located within Area 24: Warwick New Road of the Leamington Urban Conservation Area, which was part of the mid-to-late nineteenth century development to the west of the town centre. The building is located on a good-sized corner plot, facing Warwick New Road and sitting astride Guy's Cliffe Road, resulting in good visibility of the roof area from multiple viewpoints within the wider conservation area.

PLANNING HISTORY

W/04/1243 – Change of use of 3 first floor rooms to joint nursery/residential use with a nursery cloakroom and Variation of Condition 5 of Planning Permission W/02/1459 to permit a total of 49 children to be accommodated in the enlarged nursery - Grant

W/04/1867/LB - Restoration to two chambers of cellar including alteration to access stairs, windows and light wells - Grant

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - no comment.

Councillor King (Clarendon Ward) - Supports. Obtaining new Welsh slate is all but impossible; reclaimed Welsh slate is of unacceptable poor quality. The Canadian slate proposed has been approved for use by other authorities in the UK. If a common sense approach to preserving listed/heritage buildings is not accepted as a matter of urgency, residents will lose confidence in the system.

Public Response

25 in Support:

Within Leamington Spa: 10

Warwick District: 7

Outside of District: 8

- The problems of sourcing and sustainability and the similarity of Glendyne Slate, re-roofing with this is a sensible option.
- The proposed tiles are in keeping with the original style of the building.
- The proposed tiles are indistinguishable from one another.
- The proposed tiles look the same. Tiles have slipped letting in rain and are a worry on a windy day.
- It's important that buildings are preserved and maintained for the historic value to the wider community.
- The Welsh and Canadian tiles look exactly the same.
- It is important for the safety of the children that the building is reroofed.
- There is very little difference visually in the slates.
- The roof renovation is necessary and especially important to ensure the integrity of this otherwise very well-looked after building is maintained.
- The building is well maintained but the roof is in need of repair.
- The Canadian Slate which is proposed for this work is an excellent substitute for the unsustainable Welsh Slate.
- Having been given a chance to look at samples of the existing slate and the Canadian slate, I cannot see any difference in the two.
- I have seen the Canadian slate sample next to the Welsh ones and I cannot see any difference.

- It is clear to me that roof is old and in need of repair. I have seen both the Welsh and the Canadian slate and cannot tell the difference between the two materials.
- I have seen both samples of slate placed side by side and am confident that these look identical and therefore the Canadian slate would be more than suitable to use for this project.

ASSESSMENT

Impact on the Listed Building

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.

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.

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.

Policy HE1 also states that each historic building has its own characteristics related to its original design and its original or subsequent uses. For listed buildings, traditional materials and appropriate colours and finishes will be required. The use of appropriate materials in any restoration or alteration works will be expected to maintain the character and appearance of both the building and its setting. The objective of this policy is to ensure that any works or alterations to listed buildings are carried out using appropriate materials to preserve the integrity of the building.

Policy HE1 explicitly states that the use of imported roofing material will not be permitted to adhere to the aforementioned points.

Policy HE2 seeks to retain the integrity and form of conservation areas and recommends resisting alterations to both listed and unlisted buildings that would have an adverse effect on the overall character of these areas.

In light of the aforementioned policies, the proposal to remove the entire roof covering and replace this with imported slate is considered to be contrary to guidance, constituting less than substantial harm and as such, is recommended for refusal.

The works to the roof are considered to exceed the remit of repairs, due to the proposed complete replacement of the existing material, and as such, Listed

Building Consent has been sought.

The material at present is predominantly Welsh slate, with lead-lined ridges and lead flashing to the stacks. There is evidence of patch repair with Swithland Slate, Mauve Welsh slate and man-made tiles also present on the roof.

The roof, which is an unusual plan form comprised of two steep outer pitched roofs sandwiching a low inner pitch, contributes greatly to the significance and character of the building, which was been selected for listing whilst many buildings of the same age in the surrounding location were passed over.

The drawing of the eye to the roof is a deliberate statement of the changing trends of bolder Victorian architecture away from the Georgian desire to conceal their roofs behind full parapet walls. The slate that forms the roof is an important factor of this character. Welsh slate could be easily transported around the country via improved nineteenth century transport links and became a symbol of progress.

The proposed replacement material is imported Canadian roof slate which is considered to result in a loss of character to the building and to undermine the historic significance of Welsh slate. Whilst the Heritage Statement makes reference to the possibility of Swithland Slate being the original covering, this seems highly unlikely as the surrounding buildings of a similar age have Welsh slate coverings, Welsh slate would have been a statement piece, and the presence of only small patches of Swithland slate indicates minor repairs whilst the majority of the covering is Welsh. When reroofing, slate is most often reused and therefore it would be uneconomical to replace an entire roof with Welsh, even in modern times, and to only retain small patches of Swithland slate. Swithland is also heavier than Welsh, requiring stronger timbers and more labour when fixing therefore any possible saving in cost due to their closer origin was lost, and for Victorians, greater transport links meant that the proximity of material no longer had to be a determining factor.

The roof has been reroofed in the late twentieth century however the roofing material was retained as Welsh slate, thereby preserving the character of the building.

Policy HE1 of the Warwick Local Plan explicitly notes the unsuitability of important roofing material, as the use of inappropriate, non-traditional material can undermine the character of both the building and its setting. The objective of this policy is to ensure that any works or alterations to listed buildings are carried out using appropriate materials to preserve the integrity of the building.

Works to the roof do appear to be necessary and it is not proposed here that the roof should be left unrepaired or ignored. It is the choice of materials that is the cause of contention and namely, the use of an imported roofing material to replace the entire existing covering which is domestic slate. It is important that this application does not form a precedent which results in lesser materials, with greater environmental costs, becoming acceptable. The benefits of the proposal are considered to be of a private rather than public nature and whilst it may be more time consuming and difficult to source Welsh slate from reclaimed sources and reuse this domestic slate where possible, this should not outweigh the benefit of the use of this historic material.

Overall, it is felt that the application will have a negative impact upon the heritage asset resulting in significant albeit less than substantial harm, with the works undermining the special architectural and historical significance of the heritage asset. The proposed benefits are considered to be of a private rather than public nature and therefore the proposal is deemed unacceptable, in direct contradiction to policy HE1 of the Warwick Local Plan and is therefore recommended for refusal.

Summary/Conclusion

The benefits offered by the applicant in the choice of imported roofing material over domestic slate are not considered to outweigh the harm identified to the building and would not be in the wider public interest. The current proposal would constitute significant harm which whilst being less than substantial would nevertheless be contrary to local and national policy. As such, the proposal is deemed unacceptable, in direct contradiction to policy HE1 of the Warwick Local Plan and is therefore recommended for refusal.

REFUSAL REASONS

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 proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the use of unsuitable materials which undermine the character and integrity of the heritage asset. Insufficient public benefits have been identified to outweigh this harm.

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

Planning Committee: 15 December 2022

Item Number: 6

Application No: [W 21 / 1944](#)

Town/Parish Council: Rowington
Case Officer: Michael Rowson

01926 456645 michael.rowson@warwickdc.gov.uk

Registration Date: 20/10/21

Expiry Date: 15/12/21

Land at Peacock Lane, Holywell, Rowington, Warwick, CV35 7BJ

Change of use of land for the siting of a log cabin for three years as a temporary rural worker's dwelling, and to regularise the commercial equestrian use (Retrospective Application) FOR Mrs Lucy Hughes

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes regularisation of the existing commercial equestrian use on the site. In addition, the application proposes the siting of a temporary essential rural worker's dwelling on the site in the form of a single storey log cabin to support the equestrian business.

THE SITE AND ITS LOCATION

The application site comprises approximately 10 acres of land on the north east side of Peacock Lane, Holywell. A gated access track runs along the west boundary and provides access to stables, including a barn containing eight horse boxes, four mobile stables, a manege, and an area of hardstanding, which are positioned centrally within the site. The applicant also rents an additional 7 acres of land adjacent to the site.

The application site is within an open countryside location washed over by Green Belt.

RELEVANT PLANNING HISTORY

W/98/0738 - Erection of a stable block – Granted

W/03/1658 - Construction of manege – Granted

W/04/0188 - Construction of raised bank (retrospective) and erection of stable block – Granted

W/07/1456 - Erection of an agricultural building with hard standing and access road – Granted

W/11/1005/AG - Extension to existing portal framed barn – Granted

There is currently no planning permission for commercial equestrian use of the site.

The stables approved in 1998 and 2004 were not implemented, with stables instead installed within the barn building. The extensions to the barn, granted in 2011 was also not implemented.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- PC0 - Prosperous Communities
- EC2 - Farm Diversification
- H0 - Housing
- H1 - Directing New Housing
- H12 - Housing for Rural Workers
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS5 - Directing Open Space, Sport and Recreation Facilities
- CC1 - Planning for Climate Change Adaptation
- FW1 - Development in Areas at Risk of Flooding
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: No objection

WCC Highways Authority: No objection, subject to conditions.

WCC Ecology: No objection, subject to a condition.

Environmental Health Officer: No objection

Waste Management: No objection

Public Response:

19 objections received on the following grounds:

- Increase in traffic on single track lane, including horse riders and horse boxes and impact on safety of road users
- Damage to the road, including the verges
- Nuisance from additional road users (noise disturbance)
- Poor location for the use
- The cabin and use would be out of character with the area
- The existing barn has been altered and occasionally occupied
- The cabin would be on agricultural land
- Harm to the Green Belt
- The temporary permission for a dwelling will result in a more significant development in the future
- Insufficient need for another livery business in the area
- No beneficial financial impact on local shops and services

17 support comments received on the following grounds:

- It is essential for horse welfare and security that someone is on site at all times
- On site accommodation allows quick response in emergencies and treatment programmes to be followed, thus better outcomes
- No traffic issues experienced when travelling to the yard
- Traffic would decrease as the owner of the business and owners of the horses would not need to travel to the site, leading to an environmental improvement
- No increase in traffic has occurred – the increase is likely due to increased home deliveries
- The equestrian use is in keeping with its surroundings
- The cabin would not be seen from the road
- Equestrian vehicles drive with care and caution
- The use is a benefit to the local community and business
- The yard is operated professionally, and the horses are kept in excellent condition
- Increased incentive to maintain the local paths as it will be part of owners dwelling
- The site is well located close to two bridleways for riding

ASSESSMENT

Principle

There are two elements to the proposal:

- Retention of the change of use of the site to equestrian use
- The proposed temporary rural worker's dwelling

Retention of the change of use of the site to equestrian use

At the heart of the NPPF is a presumption in favour of sustainable development. The the provision of a new rural business can be considered an unsustainable form of development, due to the reliance on the use of private cars to access the business. However, paragraph 84 of the NPPF states that planning decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside.

Local Plan Policy EC1 states that in rural areas, new employment development will be permitted for the diversification of agricultural and other land-based rural businesses in accordance with Policy EC2 and to support the sustainable growth and expansion of existing rural business and enterprise. However, applications are required to demonstrate that the proposal would not generate significant traffic movements and that the design and scale of development is suitable.

The proposal is considered to represent diversification of land-based rural business in accordance with Local Plan Policy EC1, subject to acceptable impacts in terms of traffic movements and design. The following sections of the report (Highways Impacts and Design) shall assess these impacts separately, concluding that subject to a number of conditions, the application would have no unacceptable impacts on the local road network or the character of the local area.

On this basis, it is considered that the continued use of the site and buildings upon it for equestrian use satisfactorily complies with the above detailed policies and is acceptable in principle.

The temporary rural worker's dwelling

Local Plan Policy H1 states that development for new housing will be permitted in the open countryside if the development is for a rural worker in accordance with Policy H12.

Policy H12 considers development for permanent housing for rural workers, which will be permitted where applicants demonstrate that there is an essential need to live permanently at or near their place of work. The policy sets out criteria regarding assessing this need as follows:

- a) there is a clear functional need for the person to be readily available on the site at most times;
- b) the worker is fully or primarily employed on the site to which the proposal relates;
- c) the business is financially sound and has a clear prospect of remaining so;

- d) the dwelling sought is of an appropriate size commensurate with the established functional requirement; and
- e) the need cannot be met by an existing dwelling on the unit, or by other existing accommodation in the area.

The policy goes on to say that where there is insufficient evidence of the financial soundness of a business, for example in the case of a new rural enterprise, temporary permission may be granted for a period of three years provided that criteria a), b), d) and e) in this policy are met, with point c criteria not required.

To carry out this assessment, the proposal has been considered by specialist rural consultant instructed by the Local Planning Authority to carry out an independent assessment of the submitted documentation.

The dwelling proposed is temporary and the proposal seeks a three-year permission. Points A, B, D and E of Policy H12 must therefore be met and are dealt with in order below.

A) The existing enterprise operated by the applicant currently has 14 horses on the site, eight of which are in training / competition livery, four are in rehab livery and two are brood mares, owned by the applicant. The applicant would like to increase the number of rehabilitation liveries, retaining the same number of horses on the site to shift the business towards rehabilitation of horses. The applicants have set out the operation of the business and the justification for the need for an on-site worker for the Council's assessment.

The business plan and supporting information has been assessed by the rural consultant instructed by the Council. They note that when considering functional need for the dwelling, it is important to consider the chances of something going wrong, out of hours emergencies and the ability of a rural worker to identify such issues, such as colic, and respond accordingly. The importance of identifying such issues is far greater in rehab horses which are usually recovering from injury and prone to more serious injuries.

As a result, Officers are satisfied that there is a functional need to live on site in connection with the existing business and the future rehabilitation livery business on the site.

B) The specialist rural consultant has raised no objection to the proposal on grounds that the applicant's role within the business would be any less than a primary role of employment.

D) The proposed temporary dwelling would be 74sq.m, which is considered modest in size and would provide three bedrooms for the applicant and their family.

E) The rural consultant considers that only a dwelling within sight and sound of the enterprise that generates a need to live on-site would be suitable in meeting the need of the applicant. The assessment of available local housing undertaken by the consultant found no affordable options within the locality whilst the proposed siting would be near the stables with good visibility over the access.

In summary, it is considered that subject to conditions to restrict the occupancy of the log cabin, together with a temporary time limit of three years, the proposal complies with the above detailed policies and is acceptable in principle, subject to an assessment of appropriateness of the development within the Green Belt.

Whether the proposal constitutes appropriate development in the Green Belt and if not whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

As the site lies within the Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions.

In terms of the use of the site, paragraph 150, point E of the NPPF states that material changes in the use of land (such as changes of use for outdoor sport or recreation) is not inappropriate where the use preserves the openness and does not conflict with the purposes of containing land within it. It is considered that the change of use of the land to equestrian use is an appropriate rural use with no material impact on openness and the retention of that existing use is therefore acceptable.

The provision of a new dwelling within the Green Belt is considered inappropriate development within the Green Belt as it does not fall within any of the exceptions stated within Paragraphs 149 and 150. As the proposal does not fall within any of the categories of appropriate development within the Green Belt, it is considered to be inappropriate development within the Green Belt which is harmful by definition.

In these cases, Paragraph 147 of the NPPF states that development should not be approved except in very special circumstances. In terms of very special circumstances which would outweigh the harm by reason of inappropriateness. The proposal is for a rural worker where the need for the dwelling has been satisfactorily justified as having an essential need for the worker to be on-site due to the specific needs of the business. Furthermore, the dwelling would be for a temporary period of three years only. As such, this is considered to represent very special circumstances to outweigh the harm by reason of inappropriateness.

On this basis, it is considered that the erection of a temporary rural worker's dwelling for a temporary three-year period satisfactorily complies with the above detailed policies and is acceptable in principle.

Design and impact on visual amenity and the character of surrounding area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in

terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The proposed temporary cabin would be sited adjacent to the barn building, which is considered to be appropriate as it ensures development is consolidated in one area. The proposed cabin would be modest in height and footprint and as a result there would be limited, if any, views of the building from the public highway. A condition requiring submission of details of materials prior to commencement of development has been attached to ensure that the materials are appropriate to the rural setting.

It is therefore considered that the proposal would have no demonstrable harm on the character or appearance of the area and complies with the above referenced policies.

Living conditions of future occupiers and adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and /or does not provide acceptable standards of amenity for future users and occupiers of the development.

In terms of living conditions of future occupiers, the dwelling would have an acceptable outlook and levels of light internally. Whilst the building is in close proximity to the stables, the applicant would have control of the yard and would be able to control activities to minimise disturbance to their family.

Due to the relatively isolated setting of the proposed dwelling, it is considered that there would be no harmful impact to the living conditions within adjacent neighbouring properties in terms of loss of light, outlook, overshadowing or loss of privacy. Furthermore, the Environmental Health Officer has raised no objections.

It is therefore considered that the proposal is acceptable having regard to Policy BE3 of the Local Plan.

Parking and Highway Safety

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

The current lawful use of the site is agricultural use, however equestrian use of the site in conjunction with agricultural use was established by previous planning permissions for stable blocks and a manege. Vehicular movements relating to that private use have therefore been considered previously and permission granted.

The existing business, for which planning permission has not been granted, is carried out on a full livery basis, where owners do not visit their horses regularly. This is different to DIY livery, where all aspects of the horse's care is undertaken by the owner. The limitation of the stables to full livery ensures limited vehicle journeys to the site by owners of stabled horses.

The Highways Authority has been consulted and requested the submission of trip generation information for the site. The figures provided indicate that the proposal would result in an additional 1.14 trips per day, which is considered to be a minor increase. In addition, accident data held by Warwickshire County Council has been reviewed by the Highways Authority and demonstrates that there have been no accidents within the vicinity of the site within the last five years, with only 2 slight category accidents recorded along The Cumsey. Considering that the existing business has been in use for several years, it is considered that the small increase in daily trips is unlikely to result in any harmful impact on highway safety. In addition, the site also contains adequate space to allow vehicles to enter and park then manoeuvre to allow them to exit in a forward gear.

Whilst it is recognised that a significant number of objections have been received in relation to highways safety, no highway incidents have occurred in the immediate vicinity of the site and the Highways Authority have raised no objection, subject to conditions which restrict the use of the site.

The conditions requested by the Highways Authority require the business to operate on a full livery basis, with no allowance for DIY livery and for no form of riding school to operate on the site. In addition, the number of horses kept on site would be limited to a maximum number of 14. The conditions requested are considered acceptable to limit the number of journeys to and from the site and ensure an acceptable impact on the local road network. Subject to the inclusion of these conditions, the proposal is considered to comply with the above detailed policies.

Impact on Ecology and Protected Species

Local Plan Policy NE2 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE3 of the Local Plan (Biodiversity) states that development proposals will be expected to protect, enhance and/ or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

During the course of the application, the applicant has submitted a Preliminary Ecological Appraisal (PEA) and Biodiversity Impact Assessment (BIA). WCC's Ecology team were consulted and are satisfied that the enhancements proposed are sufficient and proportionate to the development proposed. They have requested that a condition be attached requiring submission of an ecological enhancement and management scheme within the site prior to the commencement of development.

Subject to the condition requested by WCC Ecology, it is considered that the development is acceptable in this regard and is in accordance with Local Plan Policies NE2 and NE3.

Drainage

Local Plan Policy FW1 refers to reducing flood risk and requires new development proposals to provide a flood risk assessment in areas at risk of flooding or on site of over 1 hectare in area to demonstrate that the development proposal would not result in increased flood risk.

As the site exceeds 1 hectare, a Flood Risk Assessment is required for the development. This has been submitted by the applicants.

The site lies within Flood Zone 1 which is an area at the lowest risk from flood incidents and it is considered that the proposal would not exacerbate any flood risk in the area. It is therefore considered that the development is acceptable having regard to Policy FW1 of the Local Plan.

Water Efficiency and Air Quality

Compliance with Local Plan Policy FW3 and the Air Quality SPD can be secured by conditions, which have been added.

Conclusion

The proposal has been independently assessed by a specialist rural consultant under Policy H12 of the Local Plan and is considered to meet the tests set out in the policy. The proposal is therefore considered acceptable in principle and is an exception under Green Belt Policy.

The development has been assessed against site specific criteria and does not result in any demonstrable harm. The proposal is therefore recommended for approval subject to conditions.

CONDITIONS

- 1 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:
 - -OCTL00420SO, received on 20/10/2021
 - -Unnumbered plan titled, 'Site/Block Plan', received on 20/10/2021
 - -Flood Risk Assessment, dated AUGUST 2021, received on 20/10/2021
 - -Foul Sewerage Statement, received on 20/10/2021
 - -Planning Statement incorporating Rural Enterprise Dwelling Appraisal, dated September 2021, received on 20/10/2021
 - -Report titled, 'BUSINESS PLAN and FORECASTS', received on 17/11/2021

- -Preliminary Ecological Appraisal by Martin Ecology, dated 25th July 2022, received on 25/07/2022
- -BIA spreadsheets titled 'BIA Peacock Stables.xls' and 'Peacock Stables 2.xls', received on 25/07/2022.

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

- 2 No development in relation to the erection of the cabin hereby permitted shall commence until an Ecological Enhancement and Management Scheme as detailed in the Preliminary Ecological Assessment prepared by Martin Ecology dated 25th July 2022 and received by the Local Planning Authority on 25th July 2022, has been submitted and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see an annotated site plan showing details of the following: location of the existing site and proposed enhancement site, species to be planted, timing of works, programme of implementation and monitoring if deemed necessary. The ecological enhancement shall thereafter be carried out in accordance with the approved details and maintained in perpetuity. **REASON:** To ensure a net biodiversity gain in accordance with NPPF.
- 3 No development in relation to the erection of the temporary cabin hereby permitted shall be carried out 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 occupation of the cabin hereby permitted shall be limited to a person solely or mainly working on the site in pursuance of the on-site equestrian business together with any dependants who reside with such a person. **REASON:** Permission is granted, in accordance with Policies H1 and DS18 of the Warwick District Local Plan 2011-2029, because the residential accommodation is needed for occupation by an equestrian worker for the purposes of a functional need on the application site and in order to protect the Green Belt, occupation is restricted.
- 5 Within three years from the date of this permission, the cabin hereby permitted shall be removed from the site, and the land upon which the building stood shall be restored either:
- (i) in accordance with a scheme which shall be submitted to and be approved in writing by the Local Planning Authority prior to the removal of the building and which shall then be implemented in accordance with the approved restoration scheme; or

(ii) if no such scheme has been submitted to and approved by the Local Planning Authority within 6 months of the removal of the building to its condition immediately prior to the erection of the building.

REASON: Temporary permission has been granted in the instance solely to allow the applicant adequate time to demonstrate the viability of the on-site business in accordance with Policy H12 of the Warwick District Local Plan 2011-2029.

- 6 The use hereby permitted shall be used for a full livery operation only and shall not be used for any DIY livery or other form of livery arrangements without the prior written consent of the Local Planning Authority. **REASON:** To restrict the intensity of use of the site 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 No form of horse-riding school shall operate from or within the site without the prior written consent of the Local Planning Authority. **REASON:** To restrict the intensity of use of the site 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 full livery operation hereby permitted shall be limited to a maximum of 14 horses at any one time. **REASON:** To restrict the intensity of use of the site 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.
- 9 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.
- 10 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.

Planning Committee: 15 December 2022

Item Number: 7

Application No: [W 22 / 1042](#)

Town/Parish Council: Warwick
Case Officer: Michael Rowson
01926 456645 michael.rowson@warwickdc.gov.uk

Registration Date: 07/07/22
Expiry Date: 01/09/22

66 Market Place, Warwick, CV34 4SD

Variation of Condition 3 of planning permission ref: W/17/1033, 'Change of use from Retail (Class A1) to a mixed use of Retail (Class A1), Restaurant and Cafe (Class A3), Drinking Establishment (Class A4) and the sale of food and drink for consumption on or off the premises' to vary previously approved opening hours from 08:00-23:00 on any day, to 08:00-23:30 on Thursdays, Fridays and Saturdays and to extend opening hours to 08:00am-02:00am on Good Friday and Christmas Eve and 08:00am-03:00am on New Year's Eve. (Resubmission of application ref: W/21/0099) FOR The Table Ltd

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant seeks to vary Condition 3 of planning permission ref: W/17/1033 ("Change of use from Retail (Class A1) to a mixed use of Retail (Class A1), Restaurant and Cafe (Class A3), Drinking Establishment (Class A4) and the sale of food and drink for consumption on or off the premises").

Condition 3 limits the hours that customers are allowed on the premises to between 0800 and 2300 on any day. The reason cited for Condition 3 is "The premises are closely adjoined by residential properties and the local planning authority considers it necessary to strictly control the nature and intensity of use of the premises in the interests of the amenities of the area in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011."

The proposed opening times are: 8:00-23:30 on Thursdays, Fridays and Saturdays and 08:00am-02:00am on Good Friday and Christmas Eve and 08:00am-03:00am on New Year's Eve.

The premises would therefore close 30 minutes later than the condition currently stipulates on Thursdays to Saturdays; three hours later on Good Friday and Christmas Eve; and four hours later on New Year's Eve.

No internal or external alterations or other development is proposed.

THE SITE AND ITS LOCATION

The application site is a Grade II Listed Building situated within Warwick Town Centre and the Warwick Conservation Area.

RELEVANT PLANNING HISTORY

W/20/0042 - Variation of Condition 3 of planning permission ref: W/17/1033 (Change of use from Retail (Class A1) to a mixed use of Retail (Class A1), Restaurant and Cafe (Class A3), Drinking Establishment (Class A4) and the sale of food and drink for consumption on or off the premises) to vary previously approved opening hours from 08:00 to 23:00 on any day, to 09:00 to 23:30 on any day. – Refused 27/03/2020

Reason for refusal:

In the opinion of the Local Planning Authority, it is considered that the proposed variation of the opening hours would result in material harm to the living conditions of neighbouring residents by reason of noise, disturbance and anti-social behaviour derived from customers leaving and congregating outside the premises later into the night.

The permitted hours, 0800 - 2300, are considered appropriate for the location of the site in a mixed commercial and residential part of the town centre in order to strike an acceptable balance between the commercial and residential role of this part of the town centre. To permit the business to open later into the night, on all days of the week, would result in an unacceptable form of development which would fail to comply with Local Plan Policy BE3.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy.

W/17/1033 - Change of use from Retail (Class A1) to a mixed use of Retail (Class A1), Restaurant and Cafe (Class A3), Drinking Establishment (Class A4) and the sale of food and drink for consumption on or off the premises. - Granted 20.08.2017.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE3 - Amenity

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection – The opening hours for the Bank Holiday, Christmas Eve and New Year’s Eve are too late.

Highways Authority: No objection

Conservation Officer: No Objection

Environmental Health Officer:

The property in question has a history of non-compliance. In August 2015, the premises underwent an unapproved change of use from retail to restaurant and operated as 'The Table'. Shortly after trading began, complaints of customer noise and cooking odours were received from residents living above and adjacent to the premises. These complaints were investigated by Environmental Health and a Noise Abatement Notice was served on the operator.

Application W/17/1033 granted a change of use from retail to a mixed use of retail, restaurant and café, drinking establishment, and the sale of food and drink for consumption on or off the premises. This was granted subject to conditions including a restriction on opening hours and a requirement that the upper floor dwelling is occupied by individuals associated with the ground floor business.

Complaints from residents of Market Place were received by Environmental Health in April 2019 regarding noise from customers smoking in the street, music in the premises after 23:00, and parties in the flat above the premises. These complaints were investigated and witnessed by Environmental Health to be intrusive to a resident's property. During these investigations, it was found that the premises were opening beyond the hours stated on their planning permission and that the premises was operating solely as a drinking establishment and not the mixed use as originally intended. An additional noise complaint was received in early 2020 prior to the national restrictions imposed by Covid-19. Following these restrictions, no further complaints have been received by Environmental Health regarding the premises.

The applicant is seeking an amendment to the existing opening hours by 30 minutes on Thursdays, Fridays, and Saturdays as well as extended opening hours on certain public holidays. A similar amendment was refused under W/20/0042 due to the negative impacts on residential amenity. The applicant does not appear to have submitted any supporting information to detail how this reason for refusal has been addressed.

The applicant says that the current opening hours are not viable for a bar and compares the opening hours of other licensed premises in Warwick. As highlighted above, the premises has planning permission for a mixed use of retail, restaurant, and drinking establishment. Contrary to this, the premises still appears to operate as a bar. In light of previous noise complaints, we consider the current opening hours to be appropriate for the consented mixed use and would make an objection to the proposed amendment of hours in the absence of any supporting information demonstrating that negative impacts on residential amenity have been addressed.

Public Response:

3 objections received on the following grounds:

- The proposal will lead to an increase in noise and disturbance from the premises and cause an increase in traffic from taxis and other vehicles picking up customers
- When the premises opened until 11:30 and beyond it led to late night drinkers gathering, chatting and smoking in the street and waiting for taxis and that noise was unbearable.
- Trade vehicles arrive before 6am and wake residents which combined with late night noise results in significant detriment to residents' well-being.
- The bar has been poorly managed with constant noise and antisocial behaviour issues
- The later the bar opens the worse the antisocial behaviour – swearing, vomiting, urinating, shouted conversations and fighting.
- After-parties and drug taking on the premises
- Poor management at later hours as it becomes a late-night drinking destination.
- The bar is only bearable since covid when hours have been reduced to 11pm close.
- The disturbance leads to an enormous impact on the quality of life of residents including stress and anxiety.
- Neighbouring dwellings are listed, and no amount of sound proofing makes a difference to the noise levels.
- The premises should be used as a restaurant again, operate within its existing hours or relocate to the square where other late-night bars are located close to dwellings more suited to the noise.
- When the proprietor was forced to follow the licensing hours, there was less disturbance and there have been very few issues in the last couple of years, but extensions of hours will bring a return of loud inebriated people outside.
- The building does not lend itself to being a late-night bar as it's within a residential area.
- The introduction of door staff didn't help and resulted in more outdoor conversations
- The establishment does not serve food
- Impact on the reputation of the town.

21 support comments received on the following grounds:

- The proposed hours are similar to other bars in the town centre
- It is good customer service to open later
- Extended hours would create a level playing field for all traders in difficult times and improve competition
- Withholding an extension would be prejudicial
- The bar is well run by a responsible, professional, local owner
- The proposal provides more choice for late night venues in Warwick
- The building is located in a town centre location
- Refusing the application would be discriminatory towards the owner as other bars are being opened later in a residential area
- There is no loud music or disruptive patrons
- Effective management ensures customers are orderly and considerate and leave the premises at 11pm
- Music is always kept at a sensible level

ASSESSMENT

Impact on the amenity of neighbouring properties

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

In 2019, the Council received complaints that the premises had been operating in breach of Condition 3 (restricting opening hours from 0800 to 2300 on all days), remaining open until late into the night. Environmental Protection received complaints from neighbours and subsequently carried out an investigation. The EHO confirmed that neighbours' complaints were genuine at that time.

In 2020, the applicant submitted a similar application to that currently under assessment, to open the premises later by 30 minutes, closing at 23:30 every day. That planning application was refused at Planning Committee due to concerns over neighbouring amenity.

This application reduces the proposed days on which a closing time would be extended by 30 minutes to Thursday, Friday, Saturday and also proposes extensions on Good Friday and Christmas Eve (08:00am – 02:00am) and New Year's Eve (08:00am - 03:00am).

The applicant says that the current opening hours are not viable for a bar and compares the opening hours of other licensed premises in Warwick. However, it is noted that the premises does not have planning permission for the sole use as a drinking establishment, but mixed-use including restaurant and café uses. In light of previous noise complaints, the EHO considers that the current opening hours are appropriate for the consented mixed use, raising a strong objection to the proposal.

The most recent noise complaint was received in early 2020, prior to the national restrictions imposed by Covid-19. Following these restrictions, no further complaints have been received by Environmental Health regarding the premises. Several local residents have objected due to the premises' history of operating outside the permitted opening hours which had a harmful impact on the amenity of the neighbours, evidenced by WDC's EHO. However, they also note that the existing disturbance is less than that experienced historically, and this is evidenced by the lack of recent complaints.

It is considered that when the premises has adhered to the permitted hours, the impact to neighbour amenity is significantly reduced, highlighting the appropriateness of the current opening hours in this location.

The Environmental Health Officer considers that an extension to the opening hours would cause an unacceptable level of harm to the amenity of neighbouring residents, noting that no additional supporting information has been submitted to demonstrate that negative impacts on residential amenity have been addressed since the previous application, which was refused.

It is acknowledged that there are other Pubs and bars in Warwick Town Centre which are able to open later than the application site.

- The Globe on Theatre Street is open Monday - Wednesday 08:00 - 23:00; Thursday - Saturday 08:00 - 00:00, Sundays 08:00 - 23:30 and Sundays prior to Bank Holidays, Christmas Eve, Halloween and Bonfire Night 08:00 - 01:00.
- Thomas Lloyd on Market Place is open Sunday - Thursday 09:00 - 00:30, Friday - Saturday 09:00 - 01:00 and Christmas Eve and Boxing Day until 02:00.
- The Tilted Wig on Theatre Street is open Sunday - Thursday 10:00 - 00:00, Friday - Saturday 10:00 - 01:00, Christmas Eve and Boxing Day an additional hour into the morning; a further hour into the morning on every Friday, Saturday, Sunday and Monday for each Bank Holiday (including Friday for Easter) and on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.
- The Rose and Crown on Market Place is open Sunday - Thursday 09:00 - 00:00 (no sales after 23:00) and Friday - Saturday 09:00 - 01:00 (no sales after 23:00). On Christmas Eve and Boxing Day until 01:00hrs.
- Ronnie's Bar, 4 Jury Street is open Monday - Thursday 11:00 - 23:30, Friday and Saturday 11:00-00:30 and Sunday 11:00 - 23:00.

However, it is noted that these pubs and drinking establishments are not located in the immediate vicinity of the application site and therefore a direct comparison would not be appropriate when considering impact on neighbours' living conditions. Market Place is generally quiet after 23:00 and the EHO has had the benefit of witnessing first-hand the applicant's premises operating at the hours that are being sought. The other premises mentioned benefit from historic permissions and established uses, are in relatively busier locations and have fewer residential properties in close proximity.

21 letters of support have been received stating that the proposed hours are similar to other establishments within the town centre, providing more choice for local residents and that management is effective at minimising disturbance to local residents. Others state that refusing the extension of hours would discriminate against the applicant.

Taking all of the above into consideration, it is concluded that a variation of the opening hours of The Iron Works, to extend the opening hours, would cause unacceptable harm to the amenity of the neighbours. Market Place accommodates a high number of residential properties, many in very close proximity to the site. Given that The Iron Works is located within a mixed-use retail and residential area, it is considered an unsuitable space to accommodate a drinking establishment that is open late into the night beyond 23:00 when residents can reasonably expect relatively quiet surrounds.

It was acknowledged within the assessment of planning application W/17/1033 that the use of the premises as a mixed A1, A3 and A4 use could potentially impact on the amenity of the neighbours. Therefore, the imposition of Condition 3 to prevent closing time beyond 2300 was considered necessary in order to protect neighbour amenity. This approach was also taken with the refusal of the previous application for extended opening hours and no additional supporting documentation has been provided here. To vary this condition to extend the closing time of the premises would result in a negative impact on the amenity of the neighbours by virtue of increased noise and disturbance for a prolonged period of time into the night.

Business competition is not considered a material planning consideration and has not been taken into consideration in the decision-making process.

The proposal therefore fails to comply with Local Plan Policy BE3 and is recommended for refusal.

REFUSAL REASON

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

In the opinion of the Local Planning Authority, it is considered that the proposed variation of the opening hours would result in material harm to the living conditions of neighbouring residents by reason of noise, disturbance and anti-social behaviour derived from customers leaving and congregating outside the premises later into the night.

The permitted hours, 0800 - 2300, are considered appropriate for the location of the site in a mixed commercial and residential part of the town centre in order to strike an acceptable balance between the commercial and residential role of this part of the town centre. To permit the business to open later into the night would result in an unacceptable form of development which would fail to comply with Local Plan Policy BE3.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy.

Planning Committee: 15 December 2022

Item Number: 8

Application No: [W 22 / 1524](#)

Town/Parish Council: Burton Green
Case Officer: Lucy Shorthouse

Registration Date: 27/09/22
Expiry Date: 22/11/22

01926 456528 lucy.shorthouse@warwickdc.gov.uk

192 Cromwell Lane, Burton Green, Kenilworth, CV4 8AP

Erection of rear roof dormer and conversion of roof space, alteration of part two storey, part single storey rear extension and two storey side extension of previously approved scheme ref: W/19/0504 (Retrospective Application) FOR Mr P Ward

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Retrospective planning permission is sought for the erection of a rear dormer and conversion of roof space, alterations of part two storey, part single storey rear extension and two storey side extension of previously approved scheme W/19/0504; alterations include the installation of 1no. rooflight to the front elevation and increase in gable height to the rear.

THE SITE AND ITS LOCATION

The application site relates to a three-storey semi-detached dwelling located on Cromwell Lane, Burton Green, Kenilworth. The section of Cromwell Lane to which the application relates is characterised by semi-detached properties of varying size and design, positioned within fairly narrow plots. The street scene is characterised by brick and rendered elevations.

PLANNING HISTORY

W/18/0101 - Erection of a two-storey side extension and part single storey part two storey rear extension – Granted 29.03.18

W/19/0504 - Erection of a two-storey side extension and part single storey part two storey rear extension, re-submission of W/18/0101 - Granted 15.05.19

W/21/2125 - Erection of rear roof dormer and conversion of roof space, alteration of part two storey, part single storey rear extension and two storey side extension of previously approved scheme W/19/0504 (Retrospective Application) – Refused by Planning Committee in accordance with Officer recommendation 22.06.22.

This application is an unchanged resubmission of the previously refused application W/21/2125.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- 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)
- BG13 - Parking Provision (BE)
- Parking Standards (Supplementary Planning Document- June 2018)
- Burton Green Neighbourhood Plan (2018-2029)
- BG7 - Responding to Local Character (BE)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council: No objection.

WCC Ecology: Recommends the provision of a bat box, condition added.

Public Response:

1 objection received on grounds of being contrary to Local Plan Policy BE1 in line with the previous refusal.

5 support comments received on grounds of development being visually similar to local extensions and flat roof dormers featuring heavily in area, not visible from the streetscene, and complying with Local Plan Policy BE1. References made to proposals ongoing, and an approval would conclude works quicker.

ASSESSMENT

Design and impact on the street scene

The NPPF places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 130 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 130 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in

terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect, and reinforce local architectural distinctiveness. Of particular relevance to this application, this policy also requires proposals to respect surrounding buildings in terms of scale, height, and massing, and adopt appropriate materials and details.

Policy BG7 of the Burton Green Neighbourhood Plan requires all development to consider local character. Proposals should have sympathetic regard to their immediate setting and to the character of its surroundings.

The approved drawings from application reference W/19/0504 have been amended to facilitate the erection of a rear box dormer, along with the conversion of roof space and there have also been alterations of the part two storey, part single storey rear extension and two storey side extension; alterations include the installation of 1no. rooflight to the front elevation and an increase in gable height to the rear.

An objection comment has been received from 190 Cromwell Lane, who raises concerns regarding the non-compliance with planning policies, and acknowledges this application is a resubmission of the same refused proposals (W/21/2125).

The proposals for the rear dormer, while retrospective, vary slightly from the built form. Nevertheless, the rear dormer structure lies wholly contrary to the provisions of the Residential Design Guide which outlines large, flat roof units will not be considered acceptable. The design, mass and bulk of this structure forms an incongruous design feature of poor design which Officers consider should not be supported. As such, the works fail to accord with Policy BE1 of the Warwick District Council Local Plan. Whilst it is noted that such structures can be constructed under Permitted Development, in this particular case the attachment to rear gable extension means that planning permission is required.

The installation of the rooflight to the front elevation of the property is considered to satisfy the limitations set out in Schedule 2, Part 1, Class C of the GPDO and therefore has not been assessed in this application for planning permission.

The increase in height of the gable feature to the rear of the property is considered to constitute good design, other properties along Cromwell Lane have similar features and it is considered the increase in height will have an acceptable impact on the streetscene and character of the property.

In regard to the two-storey side extension the observed set down and back are the same as approved in application W/19/0504.

The design and scale of the addition to the roof, is not considered to harmonise with the surrounding built form, nor does it positively contribute to the character and quality of its environment through good layout and design. The proposal is therefore considered to conflict with the NPPF, Local Plan Policy BE1 and the Residential Design Guide SPD.

Impact on the amenity of neighbouring uses

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.

Officers assess there is no breach of the 45-degree line for either adjoining neighbour, 190 Cromwell Lane and 192 Cromwell Lane, when taken from the quarter point at ground floor and the halfway point at first floor, of the nearest habitable room. It is therefore considered that the impact that the extension will have on the amenity of the neighbours is acceptable, in terms of outlook, light and privacy, and in accordance with the Residential Design Guide SPD.

The proposal adheres to the separation distances set out in the Residential Design Guide SPED. As such, the proposal is not considered to result in an unacceptable loss of privacy for surrounding occupiers.

The impact that the proposal will have on the amenity of the current and future occupiers of the subject dwelling is considered acceptable. The applicant will be left with adequate private amenity space in accordance with the Residential Design Guide SPD.

The works will have an acceptable impact on amenity and comply with Policy BE3 of the Local Plan and the Residential Design Guide SPD.

Ecology

Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

The County Ecologist did not object to the application, however expressed concerns with the development given that this is a retrospective application, specifically that the bat records and foraging habitat in the area and the lack of update on previous survey works, it is possible potential roosting features for bats may have been blocked or destroyed, when works were carried out. It has been suggested in order to increase opportunities for these protected species, that two suitably placed bat boxes are erected within the application site. In the event the application was recommended for approval bat boxes could be secured by a condition. It has been agreed with the County Ecologist this could be a pre-occupation condition. However, as the application is recommended for refusal this remains an outstanding issue.

Subject to a condition the proposal is considered to comply with the criteria of Policy NE2.

Parking

The proposal will increase the number of bedrooms in the dwellinghouse to three, however the parking provision required remains 2 spaces. The application site at present has capacity for two cars to be parked off-street. The proposal does not require any additional car parking provisions and the existing parking is to be retained.

The proposal is therefore acceptable in this respect and in accordance with Local Plan Policy TR3.

SUMMARY/CONCLUSION

It is considered that the erection of a rear box dormer constitutes poor quality design by virtue of being inappropriate in scale, dominating the rear elevation and is contrary to the Council's Residential Design Guide SPD. The addition to the roof is considered to be out of keeping with the existing dwelling and also the architectural character of the local area. The development is therefore contrary to Local Plan Policy BE1.

REFUSAL REASON

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

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

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

TPO No: TPO 573

Case Officer: Gary Fisher
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9 Elm Bank Close, Lillington,
Leamington Spa, CV32 6LR

Confirmation of Provisional Tree Preservation Order relating to an Oak Tree

This Tree Preservation Order (TPO) is being presented to Committee because objections have been received to it being confirmed

RECOMMENDATION

Planning Committee is recommended to authorise officers to confirm TPO 573.

BACKGROUND

The Council was made aware on 20 September 2022 of an interest from a neighbour to reduce the mass of a large and mature oak tree in the rear garden of 9 Elm Bank Close.

Following an exchange of correspondence and a site visit the oak tree was made the subject of a provisional Order because the proposal to reduce the radial spread of the tree by 20%, and the height by 25%, was considered to detrimentally impact upon the amenity value of an attractive mature tree.

The Order was served to bring under control any work that might be undertaken to the tree particularly given the nature of the intended works proposed

ASSESSMENT

The oak tree is located in the corner of the garden, and is a very large, mature and attractive specimen of good overall form and structure. The radial branch spread along the rear property boundary is some 7m, toward the property it is some 9m, other dimensions were not possible to record because of the tree's position.

The tree's scale and mass provide a very significant public amenity. It is clearly visible on the approach to the property over the rooftops, as well as from neighbouring properties, including those in Lillington Road to the west and Lime Avenue and Cedar Close to the east. It appears to be in good health with a retention span of up to 40 years.

The Council's Arboricultural Consultant assessed the tree for its TPO quality using the nationally recognised TEMPO method of assessment. The oak tree scored 20;

the TEMPO guidance is that where the score is 16 or more the making of a TPO is merited (if there are 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.

OBJECTIONS

The Council has received 2 objections to the making of the Order, in summary the objections referred to:

1. the concern that an Order would prevent any work from being undertaken to the tree,
2. the timing of the serving of the Order, and
3. the size of the tree, and the liveability issues that followed from that given its proximity to the dwellings.

KEY ISSUES

The key issues to be addressed in deciding whether to confirm the Tree Preservation Order are whether the tree is of sufficient amenity importance to justify a TPO, and whether the public benefit afforded by the tree outweighs any private inconvenience experienced by individuals because of the tree.

The effect of the TPO is to allow the Council a measure of control over work to a protected tree, and to resist inappropriate works such as those currently intended.

In response to the objections raised:

1. The tree is undoubtedly substantial, but an excessive crown reduction would lead to disfigurement, and probably further and progressive damage.
2. The liveability issues include shade, falling leaves and branches.
3. The private inconvenience for the neighbours is to be regretted, however the Order seeks to serve the public benefit by protecting local amenity.
4. The serving of the Order is the only mechanism available to influence the protection of the amenity value of the tree; the effect of the TPO is not to prevent work, merely to allow the local planning authority oversight and to grant consent for appropriate work.

SUMMARY/CONCLUSION

It is not considered that the issues raised in objection to the TPO are sufficient to outweigh the significant amenity contribution which the handsome oak tree makes to the surrounding area and therefore it is expedient to confirm this TPO.