

# Planning Committee

Minutes of the meeting held on Tuesday 13 August 2024 at Shire Hall, Market Place, Warwick, at 6.00pm.

**Present:** Councillor Boad (Chairman); Councillors Cron, Davidson, R Dickson, Falp, B Gifford, J Harrison, Luckhurst, Phillips, C Wightman and Williams.

**Also Present:** Business Manager – Sandip Sahota; Principal Planning Officers – Dan Charles, Erin Weatherstone and Adam Walker; Planning Assistant – Thomas Senior; Legal Advisor – Nigel Bell; and Civic & Committee Services Manager – Patricia Tuckwell.

## 36. Apologies and Substitutes

- (a) Apologies for absence were received from Councillor Tangri; and
- (b) Councillor J Harrison substituted for Councillor Dray and Councillor Williams substituted for Councillor Kennedy.

## 37. Declarations of Interest

Minute Number 44 - W/23/0820 – Newbold Comyn Park, Newbold Terrace East, Royal Leamington Spa

On behalf of the Committee, the Chairman declared an interest because the applicant was Warwick District Council.

Councillors J Harrison and Williams declared an interest because they were Cabinet Members, they left the room when the item was being discussed and did not vote on it.

Minute Number 41 - W/23/1108 – 41 Portland Street, Royal Leamington Spa

Councillor Gifford declared an interest because the applicant was known to him, he left the room when the item was being discussed and did not vote on it.

Minute Number 43 - W/24/0225 – Southfields, 57 Lillington Road, Royal Leamington Spa

Councillor Gifford declared an interest because in 2021, when the application site was previously considered by the Planning Committee, he spoke in objection to the application as a District Councillor. However, the application on the agenda was a new application and he felt he could participate in its consideration with an open mind.

Minute Number 40 - W/22/1410 – Land on the South of Birmingham Road, Budbrooke

Councillor Falp declared an interest because she was now a member of the Warwick District Council Conservation Advisory Forum (CAF), but she was not part of it when this item had been considered by CAF.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **38. Site Visits**

To assist with decision making, Councillor Dickson made an independent site visit to W/22/1410 – Land on the South of Birmingham Road, Budbrooke and did not speak to anyone whilst he was there. Councillor Phillips advised that he knew the site well.

Councillor Gifford also made independent visits to W/23/0623 – House 3 & 4, 151 Leam Terrace, Royal Leamington Spa and W/24/0762 – 24a Castle Lane, Warwick.

### **39. Minutes**

The minutes of the following Planning Committee meetings were taken as read and signed by the Chairman as a correct record:

- a) 16 April 2024;
- b) 18 April 2024;
- c) 21 May 2024;
- d) 18 June 2024; and
- e) 16 July 2024.

### **40. W/22/1410 – Land on the South of Birmingham Road, Budbrooke**

The Committee considered an application from Belmont Healthcare for the erection of a three-storey, 75-bed care home (Class C2) with associated landscaping and parking, and public footpath access to Hatton Locks and associated works.

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

The officer was of the opinion that the applicants had provided significantly improved supporting information since the refusal of the scheme under W/20/1251. Officers were now satisfied that the development was acceptable. Whilst identified as inappropriate development within the Green Belt, officers were satisfied that the applicants had provided sufficient justification to demonstrate very special circumstances.

In addition, these circumstances also amounted to public benefits that outweighed the harm to heritage assets. Site-specific matters could be controlled by appropriate conditions. On this basis, the application was recommended for approval.

An addendum circulated prior to the meeting advised of an update to the recommendation, to include: "Subject to the submitted Net Zero Carbon Energy Statement being agreed with the LPA's sustainability consultants, Members are recommended to grant planning permission subject to a Section 106 Agreement to secure the required contribution of £84,211 to mitigate for the increased demand on local primary care infrastructure."

The addendum also advised Members of an additional five objections having been received, and provided answers to questions sent in advance by Councillor R Dickson.

## **PLANNING COMMITTEE MINUTES (Continued)**

The following people addressed the Committee:

- Dr Le Tocq, Hatton Parish Councillor, objecting;
- Councillor Tracy-Hales, Budbrooke Parish Councillor, objecting;
- Mr King, speaking in support;
- Mr Hutchison, speaking in support; and
- Councillor Matecki, District Councillor, objecting.

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

**Resolved** that W/22/1410 be **refused** contrary to the recommendation in the report because when put to the test, it does not meet the very special circumstances for development within the Green Belt, the public benefits do not outweigh the harm to Heritage Assets and the development would have a detrimental impact on the character of the Conservation Area. Members were also concerned about lack of public transport and lack of proximity to local amenities.

(Councillor Gifford left the room for this item and did not vote on it.)

### **41. W/23/1108 – 41 Portland Street, Royal Leamington Spa**

The Committee considered an application from Mr and Mrs Talbot for the replacement of six existing windows on the front elevation and five existing windows on the rear elevation with specialist slimlite timber sashes to match existing geometry.

The application was presented to Committee because it was recommended for refusal and Leamington Town Council supported it.

The officer was of the opinion that the proposals would result in the irreplaceable loss of significant original historic fabric of fine quality and detailing, causing irreversible harm to the integrity of the historic asset. The proposals were considered to result in unacceptable harm to the Listed Building and there were not considered to be any public benefits that were sufficient to outweigh the harm.

The proposal was therefore contrary to the policies referred to in the report and it was recommended planning permission should be refused.

The following people addressed the Committee:

- Councillor McAllister, Royal Leamington Spa Town Councillor, supporting;
- Mr Talbot, supporting; and
- Councillor King, District Councillor, supporting.

An update report circulated prior to the meeting advised that the applicant had raised comments in regard to the report, and further clarification and amendments were provided in the addendum.

## **PLANNING COMMITTEE MINUTES (Continued)**

There were a number of references within the report to the extent to which windows throughout the property that were considered to be original. For the purpose of clarity, Members were advised that there were not considered to be any wholly original windows within the property.

In particular, the reference under 'The site and its location' section in the report to the upper floor front sash windows indicating that those windows were likely to be original was incorrect. Those windows included some original material; however, they had been significantly repaired and altered.

In terms of the officer's assessment, whilst windows within the property were not original and had been subject to repair works, they were acknowledged to contain some historic material including panes of original glass and were considered to have a strong value and importance in terms of the character and significance of the Listed Building as a whole.

Further, the reference in the 'Assessment' section to the reduction in length to the glazing bar 'by 10mm' was to be disregarded, as the exact figure was not verified. However, it was nevertheless considered that the glazing bars would be visually impacted as there would be reduction in their depth due to the increase of glazing.

The applicant had commented that an alternative to the black colour of the spacer bars proposed within the new windows could be considered to reduce their visual impact. However, spacer bars of any colour would contribute towards the thickness of a double-glazed unit that would not be found on a traditional single glazed window, which in this case was considered to contribute to the visual harm to the character of the Listed Building.

Taking the above matters into consideration, the impact of the proposed replacement windows to the prominent front elevation was considered to be harmful to the integrity, character, and appearance of the Listed Building and the Royal Leamington Spa Urban Conservation Area.

The addendum also advised that, however, the windows to the rear were considered to likely have been subject to alteration and replacement. The rear elevation could be considered less sensitive due to its obscured nature and the previous works to fenestration. As such it had been agreed by parties that the replacement of the rear windows would likely be acceptable due to the lesser impact on the Listed Building and the wider conservation area.

For the avoidance of doubt, where potential harm to designated heritage assets was identified, in accordance with the National Planning Policy Framework (NPPF), it should be categorised as either less than substantial harm or substantial harm (which included total loss) in order to identify which policies in the NPPF applied. The nature and extent of that harm was a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm was a high test, including, for example, the loss of an asset, so it might not arise in many cases. It was the degree of harm to the asset's significance rather than the scale of the development that was to be assessed. In this instance, the harm to the heritage asset was considered to be 'less than substantial' because it did not, for example, result in the loss

## PLANNING COMMITTEE MINUTES (Continued)

of the building. However, less than substantial harm was nevertheless capable of being significant as was considered to be the case here.

In balancing the harm to the Listed Building with the public benefits arising from the proposal, officers had given weight to the recently adopted Net Zero Carbon Development Plan Document; the Council's published Guidance for Windows for Listed Buildings and in Conservation Areas; and the Energy Efficiency Guidance for Historic Buildings, the latter which was updated on the Council's website this year.

The recent appeal decision within which the Inspector refused permission for this specific proposal was a material consideration to which significant weight had to be attached.

Notwithstanding the clarification as to the extent of original material present in the current windows, officers remained of the view that the proposed loss of that material combined with the visual impact of the double-glazed nature of the proposed windows was harmful to the integrity, character and appearance of the Listed Building particularly with regard to the prominent front elevation.

The applicant's sustainability aspirations for the building and the associated benefits were also attributed weight. However, on balance, in accordance with Policy NZC4 of the Net Zero Carbon DPD which encouraged energy efficiency measures for Listed Buildings provided that the characteristic of the building was conserved appropriately, it was not considered that those benefits outweighed the harm to the Listed Building from the proposal. It was also noted that similar benefits could be achieved through secondary glazing without resulting in harm.

The addendum then advised of an updated recommendation.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Falp and seconded by Councillor Phillips that the application should be refused, subject to a note as below.

**Resolved** that W/23/1108 be **refused**, because Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Council have also produced guidance on windows in listed buildings.

In the opinion of the Local Planning Authority the proposal would cause significant, albeit less than substantial, harm to the significance of the listed building and conservation area by reason of the loss of elements of historic fabric of existing windows to the front elevation and their replacement with windows of a non-traditional design and appearance.

## **PLANNING COMMITTEE MINUTES (Continued)**

The public benefits identified are not considered to outweigh this harm.

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

**Note to the Portfolio Holder for Place and Cabinet:** the WDC policy regarding windows be reviewed as soon as possible whilst being mindful of the current Climate Change aims of Warwick District Council.

On being put to the vote the number of votes cast in favour and against were equal, the Chair decided to use their casting vote in favour of refusing the application, in line with the recommendation of the report.

### **42. W/23/1109 LB – 41 Portland Street, Royal Leamington Spa**

The Committee considered an application from Mr and Mrs Talbot for the replacement of six existing windows on the front elevation and five existing windows on the rear elevation with specialist slimlite timber sashes to match existing geometry.

The application was presented to Committee because it was recommended for refusal and Leamington Town Council supported it.

The officer was of the opinion that the proposals would result in the irreplaceable loss of significant original historic fabric of fine quality and detailing, causing irreversible harm to the integrity of the historic asset. The proposals were considered to result in unacceptable harm to the Listed Building and there were not considered to be any public benefits that were sufficient to outweigh the harm.

The proposal was therefore contrary to the policies referred to in the report and it was recommended planning permission should be refused.

The following people addressed the Committee:

- Councillor McAllister, Royal Leamington Spa Town Councillor, supporting;
- Mr Talbot, supporting; and
- Councillor King, District Councillor, supporting.

An update report circulated prior to the meeting advised that the applicant had raised comments in regard to the report, and further clarification and amendments were provided in the addendum.

There were a number of references within the report to the extent to which windows throughout the property that were considered to be original. For the purpose of clarity, Members were advised that there were not considered to be any wholly original windows within the property.

In particular, the reference under 'The site and its location' section in the report to the upper floor front sash windows indicating that those windows

## **PLANNING COMMITTEE MINUTES (Continued)**

were likely to be original was incorrect. Those windows included some original material; however, they had been significantly repaired and altered.

In terms of the officer's assessment, whilst windows within the property were not original and had been subject to repair works, they were acknowledged to contain some historic material including panes of original glass and were considered to have a strong value and importance in terms of the character and significance of the Listed Building as a whole.

Further, the reference in the 'Assessment' section to the reduction in length to the glazing bar 'by 10mm' was to be disregarded, as the exact figure was not verified. However, it was nevertheless considered that the glazing bars would be visually impacted as there would be reduction in their depth due to the increase of glazing.

The applicant had commented that an alternative to the black colour of the spacer bars proposed within the new windows could be considered to reduce their visual impact. However, spacer bars of any colour would contribute towards the thickness of a double-glazed unit that would not be found on a traditional single glazed window, which in this case was considered to contribute to the visual harm to the character of the Listed Building.

Taking the above matters into consideration, the impact of the proposed replacement windows to the prominent front elevation was considered to be harmful to the integrity, character, and appearance of the Listed Building and the Royal Leamington Spa Urban Conservation Area.

The addendum also advised that, however, the windows to the rear were considered to likely have been subject to alteration and replacement. The rear elevation could be considered less sensitive due to its obscured nature and the previous works to fenestration. As such it had been agreed by parties that the replacement of the rear windows would likely be acceptable due to the lesser impact on the Listed Building and the wider conservation area.

For the avoidance of doubt, where potential harm to designated heritage assets was identified, in accordance with the National Planning Policy Framework (NPPF), it should be categorised as either less than substantial harm or substantial harm (which included total loss) in order to identify which policies in the NPPF applied. The nature and extent of that harm was a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm was a high test, including, for example, the loss of an asset, so it might not arise in many cases. It was the degree of harm to the asset's significance rather than the scale of the development that was to be assessed. In this instance, the harm to the heritage asset was considered to be 'less than substantial' because it did not, for example, result in the loss of the building. However, less than substantial harm was nevertheless capable of being significant as was considered to be the case here.

In balancing the harm to the Listed Building with the public benefits arising from the proposal, officers had given weight to the recently adopted Net Zero Carbon Development Plan Document; the Council's published Guidance for Windows for Listed Buildings and in Conservation Areas; and the Energy

## **PLANNING COMMITTEE MINUTES (Continued)**

Efficiency Guidance for Historic Buildings, the latter which was updated on the Council's website this year.

The recent appeal decision within which the Inspector refused permission for this specific proposal was a material consideration to which significant weight had to be attached.

Notwithstanding the clarification as to the extent of original material present in the current windows, officers remained of the view that the proposed loss of that material combined with the visual impact of the double-glazed nature of the proposed windows was harmful to the integrity, character and appearance of the Listed Building particularly with regard to the prominent front elevation.

The applicant's sustainability aspirations for the building and the associated benefits were also attributed weight. However, on balance, in accordance with Policy NZC4 of the Net Zero Carbon DPD which encouraged energy efficiency measures for Listed Buildings provided that the characteristic of the building was conserved appropriately, it was not considered that those benefits outweighed the harm to the Listed Building from the proposal. It was also noted that similar benefits could be achieved through secondary glazing without resulting in harm.

The addendum then advised of an updated recommendation.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Falp and seconded by Councillor Phillips that the application should be refused, subject to a note as below.

**Resolved** that **W/23/1109 LB** ~~W/23/1108~~ be **refused** ~~on casting vote~~, because Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Council have also produced guidance on windows in listed buildings.

In the opinion of the Local Planning Authority the proposal would cause significant, albeit less than substantial, harm to the significance of the listed building and conservation area by reason of the loss of elements of historic fabric of existing windows to the front elevation and their replacement with windows of a non-traditional design and appearance. The public benefits identified are not considered to outweigh this harm.

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

## PLANNING COMMITTEE MINUTES (Continued)

**Note to the Portfolio Holder for Place and Cabinet:** the WDC policy regarding windows be reviewed as soon as possible whilst being mindful of the current Climate Change aims of Warwick District Council.

**On being put to the vote the number of votes cast in favour and against were equal, the Chair decided to use their casting vote in favour of refusing the application, in line with the recommendation of the report.**

(At the conclusion of this item, Councillor Gifford re-joined the Committee.)

### **43. W/24/0225 – Southfields, 57 Lillington Road, Royal Leamington Spa**

The Committee considered an application from Greywell Property Limited for the installation of rooflights to facilitate the use of roof space to provide additional habitable accommodation for 15 existing first floor flats; the creation of 27 additional car parking spaces; the installation of two courtyard-facing balconies and associated external staircases; the erection of four small courtyard-facing single-storey extensions; the erection of glazed covered walkway within the central courtyard; the installation of glass entrance canopy and adjacent render strips; the installation of solar panels on southern roof pitches; and the erection of bicycle shelter.

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

Planning permission was sought for a series of works to increase the habitable accommodation associated with the existing building on the site. The site was within the Urban Area Boundary and in line with Policy H1 and NDP Policy RLS1 the principle of the development was supported subject to no adverse material considerations being raised.

In the officer's opinion, the development did not give rise to any material harm in relation to the character of the area, heritage, residential amenity, highways safety and parking, flood risk, ecology and biodiversity or climate change and mitigation subject to conditions and notes. These were considered to be neutral within the planning balance.

When considering the relevant matters within the planning balance, it was accepted by officers that the proposal would result in benefits in the form of limited economic benefits and an increase in parking and cycle storage on the site. Having regard to the above, the proposal was considered to represent a sustainable form of development, and it was recommended that planning permission should be granted.

The following people addressed the Committee:

- Councillor McAllister, Royal Leamington Spa Town Councillor, objecting; and
- Mr Hopcraft, supporting.

An update report circulated prior to the meeting advised of two additional consultation responses having been received from Royal Leamington Spa

## **PLANNING COMMITTEE MINUTES (Continued)**

Town Council and Warwickshire County Council Ecology. It also informed Members that following publication of the agenda, an updated Landscaping Plan, Site plan, Ecology Management Plan and drainage specification for permeable asphalt had been received.

The addendum also provided updated wording for Conditions 2, 6, 8 and 11, as well as amendments to the "public response summary" section from the report. In addition, it provided additional clarity on planning history and answers to Councillor Dickson's questions submitted in advance of the meeting.

Following consideration of the report, presentation, representations made at the meeting and information contained in the addendum, it was proposed by Councillor Dickson and seconded by Councillor Harrison that the application should be granted, subject to the amendment to conditions in the addendum and a note to the applicant asking for additional signage within the site to forewarn and advise nearby users of pedestrians and cyclists for their own safety.

**Resolved** that W/24/0225 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Conditions</b>  |
|------------|--|
| (1)        | the development hereby permitted shall begin no later than three years from the date of this permission. |

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

- |     |  |
|-----|--|
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) unless otherwise required by a planning condition associated with this decision:   |
|     | <ul style="list-style-type: none"><li>- Site Plan- Proposed (Drg No. 23-866-8 Rev. P2)</li><li>- Proposed Ground Floor-G.A. Plan (Drg No:23-10/PA1/02)</li><li>- Proposed First Floor -G.A. Plan (Drg No:23-10/PA/03)</li><li>- Proposed Second Floor-G.A. Plan (Drg No. 23-10/PA1/04)</li><li>- Proposed Roof-G.A. (Drg No:23-10/PA1/05)</li><li>- Landscape &amp; Roof Plan- Proposed (Drg No. 23-866-9 Rev. P2)</li><li>- Proposed Sections 1-First/Second Floor Units (Drg No: 23-10/PA1/10)</li><li>- Proposed Amendments to Elevations 1-5 (Drg No. 23-866-13 Rev. P2)</li></ul> |

## PLANNING COMMITTEE MINUTES (Continued)

- Proposed Amendments to Elevations 6-10 (Drg No.23-866-14 Rev. P2)
- Proposed Amendments to Elevations 11-16 (Drg No.23-866-15 Rev. P3)

Received by the Local Planning Authority on 13<sup>th</sup> May 2024

- GA-Cycle Parking (Drg No.26317-TUR-DR-02-01)
- CubicUp Cycle Shelter- Shelter 2 (Drg No. 26317-TUR-DR-02-02)
- CORE 2 tier Cycle Rack (Drg No. 26317-TUR-DR-02-03)

Received by the Local Planning Authority on 8<sup>th</sup> March 2024.

- Glazed Entrance Canopy and Courtyard Link (Drg No. 23-866-33 Rev. P1)

Received by the Local Planning Authority on 18<sup>th</sup> February 2024.

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

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

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

- (4) prior to the commencement of the development hereby approved (including all preparatory work), the tree protection measures described in the Arboricultural Impact Assessment & Method Statement Report from Arbortrack Systems Ltd reference jwmb/rpt2/southfields/AIAAMS dated 16 February 2024, and the appended Tree Protection Plan, together referred to as the scheme of protection, shall be implemented in

## PLANNING COMMITTEE MINUTES (Continued)

accordance with the approved details. All trees which are shown to be retained within this report shall be retained.

Where the approved details require the installation of protective fencing or ground protection, these shall be put in place before any development takes place, and before any equipment, machinery or materials are brought on to the site; and shall be retained until these have been removed from the site, following the completion of the relevant dwelling or part of the development.

Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

**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;

- (5) prior to the commencement of the external landscaping works a detailed hard and soft landscaping scheme shall be 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 details shall include full specifications of any additional soft landscaping planting including the species, number, density and size.

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.

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

## PLANNING COMMITTEE MINUTES (Continued)

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 and to protect the amenity of neighbouring dwellings in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (6) the development shall be carried out in strict accordance with the drainage details shown on drawing 23-866-P3 and contained within the associated Permeable Asphalt Solution Guide specification received by the Local Planning Authority on 12/08/2024. The approved details and the measures shall be installed prior to occupation.

**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) a Biodiversity Management Plan (BMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of external landscaping and prior to occupation of the development. The BMP shall include a plan of habitats and protected and priority species, biodiversity enhancements, long-term management, and monitoring (to include location of measures, installation timescale, timing of works, replacement planting details if applicable, and species lists for proposed planting). Such measures will be shown on all applicable annotated site plans and elevations, such approved mitigation and enhancement measures shall thereafter be implemented prior to occupation of the development hereby permitted in full and maintained in

## PLANNING COMMITTEE MINUTES (Continued)

strict accordance with the approved details in perpetuity.

**Reason:** To ensure no net loss and net gains in biodiversity occurs in accordance with the requirements of Policy NE3 of the Warwick District Local Plan 2011-2029 and paragraph 180 of the NPPF the NERC act and ODPM Circular 2005/06;

- (8) the development shall be carried out in accordance with the Bat and Bird Box timescales, provision, location and specifications set out in the Biodiversity Management Plan received by the Local Planning Authority on 02/08/2024. Once installed the boxes/features should be maintained in perpetuity.

**Reason:** To enhance the biodiversity of the site in accordance the NPPF, ODPM Circular 2005/06 and NERC Act (2006, as amended) and Policies NE2 and NE3 of the Warwick District Local Plan;

- (9) prior to the occupation of the development hereby permitted, two 7kW (minimum) electric vehicle recharging points shall be installed. Once installed, the electric vehicle recharging points shall be retained thereafter 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;

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

**Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

- (11) 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 for all the newly created flats (identified as units 7a, 9a, 21a and 39a on the approved plans) 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;

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

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

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

- (13) the new rooflights hereby approved shall be not include any external projection features to enable any form of balcony to be created without express planning permission.

**Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy

## PLANNING COMMITTEE MINUTES (Continued)

the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029;

- (14) no new habitable rooms shall be created within the building, beyond those shown on the approved plans, without express planning permission.

**Reason:** The proposal has been considered on the basis of the information provided and any increase in the number of habitable rooms within the building envelope, over and above the scheme, may give rise to new material planning considerations in relation to residential amenity and parking which will need to be re-assessed having regard to the requirements of Policies TR3 and BE3 of the Warwick District Local Plan 2011-2029;

- (15) the new rooflight and first floor windows within the north facing roofslope (identified on approved Elevation E3 on drawing Proposed Amendments to Elevations 1-5 (Drg No. 23-866-13 Rev. P2) shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times.

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

- (16) prior to the occupation of the development hereby permitted, details of the proposed balcony screens shall be submitted to and approved in writing by the Local Planning Authority. Once approved the screens shall be installed in accordance with the approved details prior to the occupation of the building. The screens shall be retained in accordance with the approved details at all times thereafter.

**Reason:** To protect the privacy of future occupiers having regard to the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029; and

## **PLANNING COMMITTEE MINUTES (Continued)**

**Note to the applicant** asking for additional signage within the site to forewarn and advise nearby users of pedestrians and cyclists for their own safety.

(At 7.56pm, the Chairman adjourned the meeting for a fifteen-minute comfort break.)

(Councillors Williams and Harrison left the room for this item whilst W/23/0820 – Newbold Comyn Park, Newbold Terrace East, Royal Leamington Spa was being considered.)

### **44. W/23/0820 – Newbold Comyn Park, Newbold Terrace East, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for the variation of Condition 2 (approved plans) of planning permission ref: W/21/0256 (Redevelopment of existing disused golf course to create cycle tracks designed for all ages and capabilities together with alterations to existing old golf shop and clubhouse to create cycling hub together with external landscaping works) to reflect revisions to the layout of the cycle trails as implemented.

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

The officer was of the opinion that the application detailed the reasons why it had been necessary to make changes to the alignment of the approved bike trails. Officers considered that the magnitude of the proposed deviations and the extent of the new sections of track would not fundamentally alter the nature of the originally approved scheme and would not result in any materially greater planning impacts. The proposed minor amendment to the planning permission was therefore considered acceptable and was recommended for approval.

An addendum circulated prior to the meeting advised of an amendment to condition 6 and updated plans, further representations received and officer's response.

Mr Russell addressed the Committee objecting to the application.

Following consideration of the report, presentation, representations made at the meeting and information contained in the addendum, it was proposed by Councillor Falp and seconded by Councillor Phillips that the application should be granted, subject to a note to the applicant and the amended conditions in the addendum.

**Resolved** that W/23/0820 be **granted** subject to the following:

- | <b>No.</b> | <b>Conditions</b>   |
|------------|---|
| (1)        | the development hereby permitted shall be carried out strictly in accordance with the details |

## PLANNING COMMITTEE MINUTES (Continued)

shown on the following approved drawings and documents and the specification contained therein:

- 1057.01 / 02F\* (General Arrangement)
- OT-NCBP-D-006 (Trail Deviations)
- 20-012(08)001 D3 (LTR and Skills Area)
- OT-NCBP-D-003 (Progressive Jump Line Detail)
- 20-012 (09)001 D2 (Sections)
- 5192555-ATK-XX-00-DR-BS-009-P01 (Demolition Plan)
- 5192555-ATK-XX-00-DR-BS-010-P01 (Proposed General Arrangement)
- 5192555-ATK-XX-00-DR-BS-011-P01 (Proposed Roof Plan)
- 5192555-ATK-XX-00-DR-BS-012-P01 (Proposed Reflected Ceiling & Finishes Plan)
- 5192555-ATK-XX-00-DR-BS-013-P01 (Proposed Sections)
- 5192555-ATK-XX-00-DR-BS-014-P01 (Proposed External Elevations North & East)
- 5192555-ATK-XX-00-DR-BS-015-P01 (Proposed External Render Elevations East)
- 5192555-ATK-XX-00-DR-BS-016-P01 (Proposed External Elevations West & South)
- 5192555-ATK-XX-00-DR-BS-017-P01 (Proposed Section E)
- 5192555-ATK-XX-XX-DR-LA-401001-P01 (Landscape General Arrangement)
- PAM Cast Iron Rainwater Pipe & Gutter System manual Page 23
- Window Details CV32 21-30.01B
- Door Details (Doors 1 & 2) CV32 21-30.02
- Door Details (Doors 3, 4 & 5) CV32 21-30.03
- Door Details (Door 6) CV32 21-30.04
- Door Details (Door 7) CV32 21-30.05
- Door Details (Door 8) CV32 21-30.06
- Samples of the external facing materials as detailed by: Photos of bricks received on 25/11/2021; Joinery work samples received on 08/10/2021; and Picture of pointing and mortar mix received on 08/10/2021

**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.

\* Drawing number to be confirmed once an updated plan is received - as discussed within the report;

## PLANNING COMMITTEE MINUTES (Continued)

- (2) the hard and soft landscaping of the site shall be provided in accordance with:
- General Arrangement drawing 1057.01 / 02F\*
  - Planting Strategy Sheet 1 of 2 Ref: 1057.01/03C
  - Planting Strategy Sheet 2 of 2 Ref: 1057.01/04C
  - Landscaping materials inc fencing 2 (Received 12/07/2022)
  - Schedule of proposed materials for the hard landscaping external to the barn (Cycle hub) (Received 12/07/2022)

Planting shall be provided at a density of: 2 to 3 litre plants - 4 per square metre; and 1 litre plants 8 - 10 per square metre.

The hard landscaping shall be provided in full before the cycle hub is first brought into use and the soft landscaping shall be provided in the first available planting season from the date of this permission. The approved landscaping shall thereafter be retained as such.

**Reason:** In the interests of the visual amenity and character of the area and in the interests of biodiversity. This is to accord with Policies BE1, BE3, NE3 and NE4 of the Warwick District Local Plan 2011-2029.

\* Drawing number to be confirmed once an updated plan is received - as discussed within the report;

- (3) the soft landscaping and ecological features provided pursuant to condition 2 shall be managed in accordance with:
- Landscape & Ecological Management Plan, project BAC101/001/001/001, August 2022 (Received 16/09/2022)
  - Appendix 2 - Programme of Works (Received 08/09/2022)
  - Site Habitat Enhancement spreadsheet (Received 08/09/2022)
  - LEMP response to support discharge of condition 3 parts g-h document (Received 11/07/2022)

**Reason:** In the interests of biodiversity and to accord with Policy NE3 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework;

## PLANNING COMMITTEE MINUTES (Continued)

- (4) within four months of the date of this permission, a scheme to ensure that there is no net biodiversity loss as a result of the development shall be submitted to and approved in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include:

- i. Proposals for on-site mitigation (in accordance with conditions 2 and 3 of this permission) and/or for off-site offsetting;
- ii. A methodology for the identification of any receptor site(s) for offsetting measures;
- iii. The identification of any such receptor site(s);
- iv. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
- v. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).

The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

**Reason:** To ensure a net biodiversity gain in accordance with National Planning Policy Framework;

- (5) the development hereby permitted shall be carried out and operated strictly in accordance with the 'Newbold Comyn Cycle Tracks Safety Management Plan' received on 01/08/2023.

**Reason:** To provide safe access routes in accordance with Policy TR1 of the Warwick District Local Plan 2011 – 2029;

- (6) the development hereby permitted shall be carried out and operated in strict accordance with the Access Statement received by the LPA on 06/08/2024.

**Reason:** To ensure that sufficient provision is made for pedestrians and cyclists in accordance

## PLANNING COMMITTEE MINUTES (Continued)

with Policy TR1 of the Warwick District Local Plan 2011 – 2029;

- (7) there shall be no external lighting of the development hereby approved.

**Reason:** In the interests of protected species and to accord with Policies NE2 and NE3 of the Warwick District Local Plan;

- (8) the development hereby permitted shall be carried out in accordance with the Construction and Ecological Management Plan prepared by RammSanderson (Ref: RSE\_3136\_03\_V1 Dated September 2021) received on 08/10/2021.

**Reason:** To ensure that protected species and habitats to be retained are not harmed by the development in accordance with National Planning Policy Framework (NPPF) and ODPM Circular 06/2005;

- (9) the development hereby permitted shall be carried out in accordance with the tree protection/mitigation measures detailed within the Arboricultural Method Statement [draft] November 2021 TWC-1312-R-002 prepared by The Tree and Woodland Company received on 19/11/2021 and the Tree Protection Plan 1312-D-003 [draft] received on 19/11/2021.

**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) the development hereby permitted shall be carried out in accordance with:

- Written Scheme of Investigation for Earthwork Survey, Date August 2021 prepared by SUMO Survey received on 12/07/2022
- Archaeological Desk-Based Assessment, Report No 2166 August 2021 Archaeology Warwickshire received on 12/07/2022
- Archaeological Watching Brief, Report No.2336, May 2023, prepared by Archaeology Warwickshire received on 10/04/2024

**Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the District's

## PLANNING COMMITTEE MINUTES (Continued)

historical development are recorded, preserved and protected were applicable in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (11) the development hereby permitted shall be carried out in accordance with the Protected Species Contingency Plan as detailed by the Ecological Impact Assessment RSE\_3136\_02\_V3 Dated August 2021 prepared by RammSanderson received on 08/10/2021.

**Reason:** To ensure that protected species are not harmed by the development;

- (12) new roofing material proposed for the development hereby permitted shall be handmade clay roof tiles.

**Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;

- (13) all rainwater goods for the development hereby permitted shall be comprised in cast metal.

**Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; and

- (14) mortar used for repointing shall be lime-based mixed with sands and aggregates to match the colour and texture of existing historic mortar.

**Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

**Note to the applicant** seeking an explanation as to why the application was presented to Committee retrospectively.

The Planning Committee wishes to ask the Overview & Scrutiny Committee via its Chair to scrutinise the reasons provided by the applicant.

(At the conclusion of this item, Councillor Harrison and Williams re-joined the Committee.)

45. **W/23/0623 – House 3 & 4, 151 Leam Terrace, Royal Leamington Spa**

## **PLANNING COMMITTEE MINUTES (Continued)**

The Committee considered an application from Mr and Mr Dhesi for the variation of Condition 2 of application W/23/0728 (part retrospective) - increase in depth of single-storey rear extension at Number 3, alterations to first-floor rear extension roof at Number 4 to a gable end.

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

The officer was of the opinion that the proposals had an acceptable impact on the character and quality of the street scene and Conservation Area through the proposed layout, building materials and scale of the development. The proposals also had an acceptable impact on the living conditions of neighbouring dwellings. The proposals were therefore in accordance with Local Plan Policies HE1, BE1, BE3, the Residential Design Guide SPD, and Neighbourhood Plan Policy RLS3. It was recommended that the application should be granted.

Mr Stokes addressed the Committee, objecting to the application.

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

**Resolved** that W/23/0623 be **deferred** to enable Members to undertake a site visit.

### **46. W/24/0557 – Chestnut Court, 4 Guys Cliffe Avenue, Royal Leamington Spa**

The Committee considered an application from Exclusive Property Management for the replacement of all existing, white-painted timber sash and casement windows with white timber-effect uPVC windows double glazed windows.

The application was presented to Committee because five public support comments had been received and the application was recommended for refusal.

The officer was of the opinion that the proposed UPVC windows would result in unacceptable harm to the Conservation Area and this harm was not considered to be outweighed by public benefits. It was therefore recommended that planning permission should be refused.

An addendum circulated prior to the meeting advised that the relevant appeal dismissal was received on 06/08/2024 – Ref: APP/T3725/W/24/3339205. An appeal against the refusal of planning permission for the “replacement of windows to first and second floor of east elevation” at 12 Augusta Place had recently been dismissed by an Inspector. This decision was of particular relevance as the application site was within the Royal Leamington Spa Conservation Area with a proposal for the replacement of timber windows with UPVC units and had been dismissed on the same grounds as the recommended reason for refusal for the application at Chestnut Court.

## PLANNING COMMITTEE MINUTES (Continued)

The Inspector once again placed particular emphasis upon how the presence and regular maintenance of timber frames ensured that the historic character and appearance of the Conservation Area was preserved, with thick and heavy UPVC frames a stark contrast to thin timber frames which were a prominent feature of the Conservation Area.

It was clear that the presence of timber frames on properties within the Conservation Area were an integral character feature and were installed on more modern developments like Chestnut Court to have reference to these historic surroundings, despite only been recently constructed. Therefore, the loss of timber units in favour of UPVC would be considered to fail to preserve or enhance the character and appearance of the Conservation Area, with this consolidated within this most recent appeal, as well as the appeal decision for the application site itself.

The Inspector was also made aware of properties within the immediate vicinity that already benefited from UPVC windows who noted that whilst they were not aware of the circumstances that resulted in these developments, their installation was inconsistent with the prevailing character of the surrounding area and would result in harm to the historical character and appearance of the Conservation Area.

Moreover, the appellant had argued how UPVC windows would ensure the longevity of the property in question. The Inspector concluded how they had not been shown that such an enhancement could not be achieved by actions which would not be harmful to the building. This was reiterated within the officer's report for this application, with it clear that timber units, if regularly maintained, would typically outlast the lifespan of UPVC.

Taking all of the above into consideration from this specific dismissal and cross-referencing it with the appeal that was dismissed at Chestnut Court following the application in 2017, it was evident that the proposed replacement of timber units with UPVC units in Conservation Areas was contrary to both National and Local Planning Policy and in the officer's opinion, the application should therefore be refused.

Mr Sutton addressed the Committee in support of the application.

Following consideration of the report and presentation, it was proposed by Councillor Falp and seconded by Councillor Phillips that the application should be refused.

**Resolved** that W/24/0557 be **refused** because Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Local Plan Policy HE2 recommends resisting alterations which would have an adverse effect upon the overall character of the conservation area. Local Plan Policy BE1 states development must reflect, respect and reinforce local architectural and historical distinctiveness. Additionally, Policy RLS3 of the Royal

## **PLANNING COMMITTEE MINUTES (Continued)**

Leamington Spa Neighbourhood Plan requires proposals that are within or directly affect the conservation area to demonstrate that they harmonise with the existing character of the area in terms of design, scale and external facing materials.

In the opinion of the Local Planning Authority, the proposed uPVC windows would result in less than substantial harm to the significance of the conservation area, with there being no public benefits which outweigh this harm.

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

**Note** to the Portfolio Holder for Place and Cabinet to request that the WDC policy regarding windows be reviewed as soon as possible whilst being mindful of the current Climate Change aims of Warwick District Council.

### **47. W/24/0762 – 24a Castle Lane, Warwick**

The Committee considered an application from Mr Rees for the variation of Condition 2 (approved plans) of planning permission ref: W/22/1832 (Erection of a two-storey side extension and extensive external alterations and refurbishment) to amend the design to include a balcony at first floor level and an alternative roofing material.

The application was presented to Committee because over four comments of support had been received and the application was recommended for refusal.

The officer was of the opinion that the proposed development had an unacceptable impact upon the character and appearance of the street scene, conservation area and the setting of the heritage assets in the immediate vicinity of the application site, with the proposed balcony and projecting gable considered to form a dominant feature that would increase the predominance of the site from surrounding views. As such, the proposal was considered to fail to respect the historical and architectural distinctiveness of the locality, harming the setting of these designated heritage assets. Therefore, the proposal was considered to contravene the NPPF and Local Plan Policies HE1, HE2 and BE1 and was recommended that the application should be refused.

Mr Gentry addressed the Committee in support of the application.

When put to the vote, a proposal made by Councillor Gifford and seconded by Councillor Phillips to refuse the application in line with the officer's recommendation was defeated.

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

## **PLANNING COMMITTEE MINUTES (Continued)**

**Resolved** that W/24/0762 be **granted** and authority be delegated to the Head of Place in consultation with the Chairman of Planning Committee to agree suitable conditions.

### **48. W/24/0624 – 70 Upper Holly Walk, Royal Leamington Spa**

The Committee considered an application from Mrs Parveen Rai for the erection of a replacement dwelling.

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

The officer was of the opinion that the proposed dwelling was acceptable in principle and in respect of design, which would not cause harm to the conservation area and surrounding street scene. The proposal would not result in adverse impact on the amenity of neighbouring uses by reason of loss of light, outlook or privacy. There was also an acceptable impact on the amenity of future occupiers. The proposal was therefore considered to comply with the policies mentioned in the report and was recommended for approval.

An addendum circulated prior to the meeting advised of an updated consultation response from Bioregional having been received.

As required by the Council's Net Zero Carbon Development Plan Document (DPD), an Energy Statement had been submitted to show compliance with Policies NZC1, NZC2(A), NZC2(B), NZC2(C). It should be noted that policies NZC3 and NZC4 were not applicable to this application.

Following initial consultation with the Council's Net Zero Consultants, Bioregional, the Energy Statement had been amended. Bioregional had been re-consulted and were satisfied with the submitted information. The updated Energy Statement had confirmed the gas grid connection, stating it was not feasible to achieve net zero and would therefore provide offsetting offsite instead. Therefore, officers were satisfied that the development was now compliant with all relevant Net Zero Carbon Policies set out in the Council's DPD.

Officers noted that further minor compliance issues were raised by Bioregional regarding the proposed U-values at the site. However, it was noted that whilst applicants had to provide U-values in order to comply with the requirements of the DPD, the DPD/SPD did not regulate the actual value. The SPD did provide recommended values in order for applicants to meet the NZC policies, which were the figures that Bioregional would cross reference. Officers noted that whilst they were marked yellow on the Bioregional consultation feedback as minor compliance issues, they required no action as explained above.

Therefore, the proposals were considered compliant with the relevant policies on the Net Zero Carbon DPD. An additional condition was also detailed in the addendum.

## **PLANNING COMMITTEE MINUTES (Continued)**

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

**Resolved** that W/24/0624 be **granted** subject to the following conditions:

### **No. Condition**

- (1) the development hereby permitted shall begin no later than three years from the date of this permission.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) '2011/13 G' and '2011/18' submitted on 26th June 2024, '2011/15 H' submitted on 10th July 2024 and 'PROPOSED SITE PLAN' submitted 1st August 2024 and specification contained therein.

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

- (3) no development shall commence until a scheme for the provision of a bat box/bat roosting feature to be erected on a building within the site, has been submitted and approved by the Local Planning Authority. The scheme must include box type, location, and timing of works. Thereafter, the box/feature shall be installed and maintained in perpetuity.

**Reason:** *To enhance the biodiversity of the site in accordance with NPPF, ODPM Circular 2005/06 and NERC Act (2006, as amended);*

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

**Reason:** To ensure that the proposed development has a satisfactory external

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Condition**

appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (5) no development shall be carried out above slab level unless and until large scale details of doors and windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

**Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029. (CA);

- (6) 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;

- (7) no gates, barriers or means of enclosure shall be erected across a vehicular access within 6 metres of the highway boundary. All such

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Condition**

features erected beyond that distance should be hung to open inward away from the highway.

**Reason:** In the interests of highway safety;

- (8) 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;

- (9) the development hereby permitted shall not be occupied unless and until:

(a) details of refuse and recycling storage areas for the development have been submitted to and approved in writing by the Local Planning Authority; and

(b) the refuse and recycling areas approved under (a) have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development.

Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

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

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Condition**

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

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

- (10) noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). 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;

- (11) prior to the occupation of the development hereby permitted, the ground and first floor window(s) in the east and west elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (as amended), The obscured glazed window(s) shall be retained and maintained in that condition at all times thereafter.

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

## PLANNING COMMITTEE MINUTES (Continued)

### **No. Condition**

- (12) the development hereby permitted shall be carried out in strict accordance with the details set out in Energy Statement – PART 2 ref: MEP6788 submitted to the Local Planning Authority on 1st August 2024.

**Reason:** To satisfy the requirements Policies CC1, CC3 and FW3 of the Warwick District Local Plan (2011-2029) and Policies NZC1, NZC2 (A, B and C) of the Warwick District Net Zero Carbon Development Plan Document (DPD).

### **49. Planning Appeals Report**

Members were informed that the appeals report would be brought forward at a future meeting and it had not been circulated or considered by Members.

(The meeting ended at 9.23pm)

CHAIRMAN  
7 October 2024