Planning Committee
Tuesday 12 October 2021

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 12 October 2021, at 6.00pm and available for the public to watch via the Warwick District Council YouTube channel.

Councillor Boad (Chairman)
Councillor Morris (Vice Chairman)

Councillor M Ashford
Councillor R Dickson
Councillor O Jacques
Councillor J Kennedy
Councillor V Leigh-Hunt
Councillor C Quinney
Councillor N Tangri
Councillor J Tracey
Whitnash Residents Association Vacancy

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.

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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 meetings held on

a. 14 September 2021 **(Pages 1 to 22)**
b. 15 September 2021 **(Pages 1 to 47)**

Part B – Planning Applications

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

5. **W/18/0643 - Land at Kings Hill Lane, Stoneleigh (Pages 1 to 2)**
Major Application

6. **W/21/1165 - Land at the corner of Ramsey Road and St Mary's Road, Royal Leamington Spa (Pages 1 to 17)**
Major Application

7. **W/21/0675 – Abbotsfield House, 43 High Street, Kenilworth (Pages 1 to 5)**

8. **W/21/0900 – 21 Montrose Avenue, Lillington, Royal Leamington Spa (Pages 1 to 5)**

9. **W/21/0921 – Old Beams, Lapworth Street, Bushwood, Lowsonford (Pages 1 to 12)**

10. **TPO 570 - Land between 8 and 10 Jasmine Grove, 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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Planning Committee

Minutes of the meeting held on Tuesday 14 September 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Jacques, Leigh-Hunt, Margrave, Quinney, Tangri, Tracey and Wright.

Also Present: Principal Committee Services Officer – Lesley Dury; Legal Advisor – Max Howarth; Principal Planning Officer – Helena Obremski (attended remotely); WCC Highways Officer – Dave Pilcher; and Business Manager, Development Management – Rob Young.

78. **Apologies and Substitutes**

(a) Apologies were received from Councillor Kennedy.

(b) Councillor Margrave substituted for Councillor Heath and Councillor Wright substituted for Councillor Morris.

79. **Declarations of Interest**

Minute Number 82 – W/21/0170 – Abbey Fields, Swimming Pool, Bridge Street, Kenilworth

Councillor Dickson declared an interest because he was a member of Friends of Abbey Fields, but the objection submitted had been made by the Committee and not the Friends.

Minute Number 84 – W/21/0610 – 1 Manor Farm Close, Royal Leamington Spa

Councillor Boad declared an interest and left the Chamber whilst the application was considered.

Councillor Dickson declared an interest because he knew one of the neighbours.

Minute Number 85 – W/21/1034 LB – 22 Augusta Place, Royal Leamington Spa

Councillor Boad declared an interest and left the Chamber whilst the application was considered.

Councillor Dickson declared an interest because he knew the applicant.

80. **Site Visits**

To assist with decision making, Councillor Dickson made an independent site visit to the following sites:

W/21/0170 – Abbey Fields, Swimming pool, Bridge Street, Kenilworth
W/21/0610 – 1 Manor Farm Close, Royal Leamington Spa

81. **Minutes**

The minutes of the meeting held on 17 August 2021 were taken as read and signed by the Chairman as a correct record.

82. **W/21/0170 – Abbey Fields, Swimming Pool, Bridge Street, Kenilworth**

The Chairman reminded Members that the policy decisions on the leisure centre had already been made and that they should only be concerned with matters addressing the planning application before them.

The Committee considered an application from Warwick District Council for the demolition of the existing swimming pool and outdoor pool and redevelopment to provide two new indoor swimming pools and associated changing facilities with ancillary café, boundary treatment and landscaping.

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

The officer was of the opinion that the proposal represented the provision of the replacement of and enhancements to leisure facilities in an appropriate location, to meet an identified local need.

The development had been designed to respond sensitively to the surrounding area, including heritage assets. The development would preserve the character of the conservation area and had an acceptable impact on heritage assets and would not have an adverse impact on the highway network.

Acceptable parking arrangements were provided, and the development would not cause harm to trees or ecology. It was therefore recommended that the application should be approved.

An addendum circulated at the meeting advised the proposed building had a 33% reduction in carbon emissions per square metre in comparison to the existing building. The Conservation Officer had provided clarification on the heritage impacts of the substation stating that they did not consider the substation to be harmful to the significance of designated heritage assets on the site because of recent amendments, including use of traditional materials.

Attention was drawn to a typing error on page 13 of the report to make clear that both WCC Archaeology and Historic England had confirmed that that the development could proceed without harm to items of archaeological importance, subject to a condition for the provision of a programme of archaeological works.

Additional consultation responses had been received and these were summarised in the addendum; so too were amendments to conditions 10 and 17 which were recommended if planning consent was approved.

The following people addressed the Committee:

- Mrs Brook, Mrs Colgan and Mr Martin, objectors; and
- Mrs Bowers, Mrs Naismith, supporters;
- and Councillor Bartlett, representing the applicant.

Members considered that it was important to keep the grounds and sports facilities accessible to the Public as much as possible, especially in times of high use. It was therefore, on advice received from officers, deemed not unreasonable to require that the tennis and basketball areas be restored for use within three months of completion of development. The officer advised that this could be incorporated into condition 4. In recognition that the grounds would be used more at weekends and statutory/bank holidays, Members required an additional condition to be imposed requiring that the movement of construction traffic along the main access route be limited at these times.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Tracey and seconded by Councillor Wright that the application should be granted in accordance with the recommendation in the report and addendum. The change discussed to condition 4 and the limiting of construction traffic on the main access route on days of expected high use by the public were also included.

The Committee therefore

Resolved that W/21/0170 be **granted** subject to the following conditions:

No.	**Condition**
(1)	the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
(2)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings: 12943 - DB3 - B01 - 00 - DR - A - 20001 Rev B (ground floor plan) and 12943 - DB3 - B01 - RF - DR - A - 20003 Rev C (roof plan) submitted on 28th January 2021, and 12943 - DB3 - B01 - XX - DR - A - 90002 Rev H (site plan), 12943 - DB3 - B01 - XX - DR - A - 90004 Rev C (site sections) and, 2021 submitted on 9th March 2021, and 12943 - DB3 - B01 - ZZ - DR - A - 20201 Rev F (elevations 1), 12943 - DB3 - B01 - ZZ - DR - A - 20202 Rev C (elevations 2), , 12943 - DB3 - B01 - ZZ - DR - A - 20301 Rev E

No.	Condition
	(general sections), 12943-DB3-B01-ZZ-VF-A-00002 (photomontage b/a sht 2), 12943-DB3-B01-ZZ-VF-A-00003 (photomontage b/a sht 3), 12943-DB3-B01-ZZ-VF-A-00005 (photomontage b/a sht 5) and 12943-DB3-B01-ZZ-VF-A-00007 (photomontage b/a sht 7) submitted on 29th June, and 12943 - DB3 - B01 - XX - DR - A - 90007 Rev A (substation details) submitted on 22nd July 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;
(3)	no development shall take place until: a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority. b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority. c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation. The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable,

No.	Condition
	before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;
(4)	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. The tennis and basketball areas must be restored for use within three months of the completion of the development;
(5)	the development hereby permitted (including demolition) shall not commence until updated bat survey/s of the site, in accordance with BCT Bat Surveys for Professional Ecologists-Good Practice Guidelines, has been carried out and a detailed mitigation plan, including a schedule of works, timings, and measures to

No.	Condition
	minimise light spillage from the building onto the watercourse, has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **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;
(6)	the development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expects to see pollution and noise control measures during the development, protective tree fencing, and details concerning appropriate working practices and safeguards for bats, otters, water voles, nesting birds, hedgehogs, reptiles and amphibians that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;
(7)	no development 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: • 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

No.	Condition

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 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.
- 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;

(8) no development shall take place until: -

- A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:

1. 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

No.	Condition

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

(b) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

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

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

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

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

No.	Condition
(9)	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. **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;
(10)	no part of the development (other than works of demolition) hereby permitted shall be commenced until a scheme for the provision of bat boxes and hedgehog houses 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 a net biodiversity gain in accordance with the requirements of the NPPF and Policy NE2 of the Warwick District Council Local Plan 2011 – 2029;

No.	Condition
(11)	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;
(12)	no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
(13)	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;
(14)	a travel plan must submitted to and approved in writing by the LPA within 12 months of first

No.	Condition
	use of the hereby approved development to set out how the operator will encourage low emission/sustainable travel to the site by customers and staff. The approved Travel Plan shall be implemented 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;
(15)	the hereby approved Combined Heat and Power Plant must be installed and maintained to meet the emission limits set out in the Council's Air Quality SPD and the applicant's air quality report. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
(16)	the development shall be carried out in accordance with the submitted flood risk assessment (reference7380-P2-FRA1, revision P2, dated 13/04/21) and the following mitigation measures it details: 1. In accordance with section 6 of the submitted amended Flood Risk Assessment finished floor levels to be set at 75.15m above ordnance datum. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. **Reason:** To reduce the risk of flooding to the proposed development and future occupants in accordance with the requirements of Policy FW1 of the Warwick District Local Plan 2011 – 2029;
(17)	within three 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 Revised Energy Statement Report (submitted to the LPA on 6th April 2021) 'low-carbon strategy' have been implemented. These measures shall be retained as per the approved details or replaced with a

No.	Condition
	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;
(18)	the Construction Management Plan required by condition 4 above (including all demolition and all preparatory work), must incorporate the tree protection measures referred to in the Arboricultural Method Statement and appended plans from Wharton Natural Infrastructure Consultants (reference 210324 0884 AMS V1d and issued on 9th June 2021). Throughout the development hereby approved (including all demolition and preparatory work) those tree protection measures shall be implemented in strict accordance with the approved details. **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;
(19)	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 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;
(20)	the development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority. **Reason:** In the interests of Public Safety

No.	Condition
	from fire and the protection of Emergency Fire Fighters; and
(21)	the movement of construction traffic along the main access route on weekends and statutory/bank holidays is to be limited.

83. **TPO 566 – 2 Fernhill Drive, Royal Leamington Spa**

The Committee considered whether to approve confirmation of a provisional tree preservation order (TPO) relating to a beech tree and an oak tree.

The application was presented to Committee because objections had been received against the TPO being confirmed.

The officer was of the opinion that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the beech tree and the oak tree made to the surrounding area and therefore it was expedient to confirm the TPO.

An addendum circulated at the meeting advised that an objector had requested that the item was deferred to enable them to obtain an arboricultural report and structural engineer's report. They also requested a deferral on the grounds that other objectors had been on holiday since before the Committee notification letters were sent out and so were unable to speak.

Mr Randhawa addressed the Committee in opposition to the TPO being confirmed. He was speaking on behalf of the property owner.

Officers explained that maintenance work could be undertaken on trees even with a TPO in place providing permission had been sought and if requested maintenance works were not approved and damage resulted to the property as a direct result, the property owner would be able to make a claim for damages against the Council.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Quinney that the recommendation in the report be approved.

The Committee therefore

Resolved that officers be authorised to confirm TPO 566.

The Chairman asked the Committee to elect a Member to chair the meeting for the next two items on the Running Order because he had declared an interest and would leave the room whilst they were discussed.

It was proposed by Councillor Jacques, duly seconded by Councillor Wright and

Resolved that Councillor Tracey chair the meeting whilst applications W/21/0610 and W/21/1034 LB be considered by the Planning Committee.

At 8.02pm, the meeting was adjourned for a comfort break and reconvened at 8.15pm with Councillor Tracey in the chair.

84. W/21/0610 – 1 Manor Farm Close, Royal Leamington Spa

The Committee considered an application from Dr Singh for the erection of a four-bed house in multiple occupation (HMO) (use class C4) amendment to application W/16/1830.

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

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. There would be no increased demand for parking as a result of the change of use. It was recommended that the proposed change of use should be approved.

The following people addressed the Committee:

- Councillor Stevens, representing Royal Leamington Spa Town Council which had objected; and
- Councillor Kohler, District Councillor, objecting.

Officers informed Members that the garage (which was not planned for car parking), and the garden provided sufficient space for the required amount of bicycle storage.

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

The Committee therefore

Resolved that W/21/0610

(1) be **granted** subject to the following conditions:

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

No.	Condition
	approved proposed floor plans, and specification contained therein, submitted on 04th March 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; and
(2)	an informative note to state that in granting the application, the District Council had not had regard to the use of the garage as a car parking space.

85. **W/21/1034 LB – 22 Augusta Place, Royal Leamington Spa**

The Committee considered an application from Mr Gifford for repairs to the main entrance porch roof.

The application was presented to Committee because the applicant was a District Councillor.

The officer was of the opinion that the work was considered necessary to secure the longevity and appearance of the listed building as well as providing a habitable environment for the occupants. The application would preserve the special architectural and historic interest of the listed building and on the basis that it complied with Local Plan Policy HE1, and the relevant sections of the NPPF and the Planning (Listed Buildings and Conservations Act 1990), it was recommended that the application should be approved.

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

The Committee therefore

Resolved that W/21/1034 LB be **granted** subject to the following conditions:

No.	Condition
(1)	the works hereby permitted shall begin not later than three years from the date of this consent. **Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended); and
(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) 2153/01A, and specification contained therein, submitted on 10th August 2021. **Reason:** For the

No.	Condition
	avoidance of doubt and to secure a satisfactory form of development in accordance with Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029.

(Councillor Boad resumed the chair.)

86. **W/21/0965 – Land East of Turpin Court, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for a variation of condition 2 (plan numbers) of permission W/20/0158 (erection of six dwellings), to allow for design changes to plots 3, 4, 5 and 6 to provide single terrace of four properties; alterations to the roofs of properties.

The application was presented to Committee because the District Council was the applicant.

The officer was of the opinion that in comparison to extant permission W/20/0158, the proposed amendments were considered to be acceptable in design terms and would also have an acceptable impact on neighbouring amenity and trees. It was therefore recommended that the proposals should be granted.

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

The Committee therefore

Resolved that W/21/0965 be **granted** subject to the following conditions:

No.	Condition
(1)	the development hereby permitted shall begin not later than three years from 18th June 2020 (the date of the original 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 Q3970 - Mark Up: Site Sections and Elevations Rev B, Proposed Floor Plans (Houses) Rev B, Proposed Block Plan Rev C, Elevations (Proposed) Rev B, Proposed Floor Plans (Bungalows) Rev B, Section (Proposed) Rev B and Landscaping and Ecological Plan Rev A submitted on 24th August 2021, and specification contained therein. **Reason:** For the avoidance of doubt

No.	Condition
	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 or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;
(4)	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

No.	Condition
	with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;
(5)	no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
(6)	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;
(7)	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 or any subsequently approved amendments. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and

No.	Condition
	BE3 of the Warwick District Local Plan 2011-2029;
(8)	the development shall be carried out strictly in accordance with the details contained within the surface water outfall assessment. **Reason:** To ensure that the proposal would provide suitable drainage methods for the site in accordance with Policy FW2 of the Warwick District Local Plan 2011 – 2029;
(9)	the development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **Reason:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
(10)	noise arising from the air source heat pumps installed at the site, 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)	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 that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the

No.	Condition
	interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;
(12)	prior to the occupation of the development hereby permitted, the first floor side facing windows in the east and west elevations of the dwellings 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;
(13)	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;
(14)	any hard landscaping and ecological enhancements shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects

No.	Condition
	within the 6 months of the first use of the development hereby permitted. Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. The ecological enhancements (bird boxes) shall be retained in perpetuity, or replaced and retained with a bird box of a similar quality. **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; 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 windows or openings shall be formed in the north facing roofslope of the houses (not bungalows) hereby approved. **Reason:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

87. **W/21/1023 – Victoria Park, Archery Road, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for a proposed new 5.8 metre tree house with the playground.

The application was presented to Committee because the District Council was the applicant.

The officer was of the opinion that the proposal represented the enhancement of existing children's play facilities which would lead to health and wellbeing benefits, whilst providing an appropriately designed structure which responded to the sensitive nature of the site. There were no concerns

regarding the impact on existing trees or neighbouring amenity. It was therefore recommended that the application should be approved.

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

The Committee therefore

Resolved that W/21/1023 be **granted** subject to the following conditions:

No.	Condition
(1)	the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and
(2)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 22nd July 2021 and approved drawings Top View KRS8200228 and Side View KRS8200228 submitted on 22nd July 2021, and details contained within the Design and Access Statement submitted on 24th May 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.

(The meeting ended at 9.06pm)

CHAIRMAN
12 October 2021

Planning Committee

Minutes of the meeting held on Wednesday 15 September 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors, Ashford, R. Dickson, Falp, Jacques, Kennedy, Leigh-Hunt, Quinney, Tangri, Tracey and Wright.

Also Present: Legal Advisor – Caroline Gutteridge; Committee Services Officer – Rob Edwards, Principal Planning Officer – Helena Obremski (attended remotely), Manager – Development Services – Gary Fisher, Principal Planning Officer – Dan Charles, and WCC Highways Officer – Dave Pilcher.

88. **Apologies and Substitutes**

(a) there were no apologies for absence made; and
(b) Councillor Falp substituted for Councillor Heath, and Councillor Wright substituted for Councillor Morris.

89. **Declarations of Interest**

Minute Number 74 – W/21/ 0169 – Castle Farm Sports Centre, Fishponds Road, Kenilworth

Councillor Falp declared an interest because she was a Member of the District Council's Cabinet. She left the room whilst this item was discussed.

Minute Number 75 – W/20/ 2020 – Land at Thickthorn, Kenilworth

Councillor Wright declared an interest because he lived very close to the development site and it bordered his Ward of Stoneleigh & Ashow. He held a predisposition in terms of traffic management and the effect on Crewe Lane. He left the room whilst this item was discussed.

90. **Site Visits**

To assist with decision making, the following Members visited the following application sites independently:

W/20/2020 – Land at Thickthorn, Kenilworth: Councillors Dickson and Kennedy.

W/21/0169 – Castle Farm Sports Centre, Fishponds Road, Kenilworth: Councillors Jacques, Dickson and Kennedy.

W/21/0657 – 2 Elizabeth Way, Kenilworth: Councillors Wright and Dickson.

91. **W/21/0169 – Castle Farm Sports Centre, Fishponds Road, Kenilworth**

The Committee considered an application from Warwick District Council for the demolition of an existing sports centre and the erection of a new sports

centre for Scout and Guide Headquarters with associated parking and landscaping.

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

The officer was of the opinion that the proposed development represented inappropriate development in the Green Belt, which needed to be offered significant weight. However, there were also substantial benefits to the scheme, including the provision of enhanced sports facilities which met an identified local need, delivering a more energy efficient building, which would replace a dilapidated building in need of repair. The significant benefits in this case were considered to provide a set of very special circumstances which outweighed the harm caused to openness and outweighed the harm to the Green Belt.

The development would also not have an adverse impact on the highway network, was considered to have an acceptable impact on neighbouring residential amenity and would not be harmful to protected species or biodiversity, subject to conditions. Parking provision would meet with the forecasted demands and the development would have negligible impact on air quality. The proposed development was therefore recommended for approval.

An addendum circulated at the meeting advised that if Councillors resolved to grant planning permission, in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the application would need to be referred to the Secretary of State. This was because the development was considered to represent inappropriate development in the Green Belt and was over 1,000sqm, which was the threshold required for referral.

N.B. The updated Town and Country Planning (Consultation) (England) Direction 2021 applied to applications received after April 2021. The application would still need to be referred the Secretary of State under the updated Direction.

The addendum also advised of additional consultation responses from the Programme Director for Climate Change, Historic England, WCC Ecology, Natural England and Kenilworth Town Council, as well as six further objections.

Officers wished to confirm that a Biodiversity Impact Assessment was received on 9 August 2021 and was available online to view. This was assessed by WCC Ecology, which had no concerns regarding this matter, and concluded there would be a small net biodiversity gain.

The addendum also advised of an amendment to condition 5.

The applicant queried whether condition 8 (floor levels – requested by the EA) met the required six tests for conditions. They queried whether it was relevant, necessary, or precise. They also noted that the proposed levels were provided within the submitted plans. This was discussed with the EA which confirmed in writing that:

"That's fine, if the ground levels are raised we will address this via the permitting regs".

Therefore, condition 8 should be deleted. It should also be noted that in any event, condition 11 required the provision of details of the finished floor levels.

The addendum also advised that the applicant requested that condition 4 (construction and environmental management plan) be amended. The update report had initially stated this was condition 2.

The following people addressed the Committee:

- Councillor Hyde, Kenilworth Town Council, objecting;
- Ms Tyler, objecting;
- Mr Harding, objecting;
- Mr Stanistreet, objecting;
- Mr Olley, objecting;
- Councillor Bartlett, representing the applicant;
- Mr Heaton, speaking in support;
- Ms Rowley, speaking in support; and
- Councillor Milton, Ward Councillor, objecting.

In response to questions from Members, the Highways Officer advised that the applicant had provided Highways with a swept path analysis to show a large coach could access the road when normal parked vehicles were there, so he did not see there was any need to provide formal permanent marking, but if there was a larger event on he suggested that traffic management could be looked at, for example using Police No Waiting cones, if it did appear to be a problem of getting large vehicles in and out.

In response to a question from Members, the Development Services Manager advised that condition 3 could be amended to make reference to maintaining access to the skate park, children's play area and pedestrian access during construction.

Members raised concerns about the number of electric vehicle charging points proposed, however the Development Services Manager advised that a note suggesting that trunking be installed to extend the number of electric vehicle charging points would be appropriate.

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 Tracey that the application should be granted.

The Committee therefore

Resolved that W/21/0169 be **granted**

(1) subject to the following conditions, and subject to receiving no objection from the Flood Authority and including any conditions as required from the Flood Authority.

Prior to a decision being issued, in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the application will be referred to the Secretary of State. This is because the development is considered to represent inappropriate development in the Green Belt and is over 1,000sqm, which is the threshold required for referral; and

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; 12944-DB3-B02-XX-DR-A-20000 Rev B (ground floor plan), 12944-DB3-B02 -01-XX-DR-A-20001 Rev C (first floor plan), 12944-DB3-B02-RF-DR-A-20002 Rev B (roof plan), 12944-DB3-B02-XX-DR-A-90004 Rev A (site sections), 12944-DB3-B02-ZZ-DR-A-20200 Rev A (N & E elevations 1), 12944-DB3-B02-ZZ-DR-A-20201 Rev B (S & W elevations 2), 12944-DB3-B02-ZZ-DR-A-20202 Rev # (elevations 3), 12944-DB3-B02-ZZ-DR-A-20300 Rev B (building sections), 12944-DB3-B02-ZZ-DR-A-20301 Rev A, 18/2995/E63-EX01 (lighting plan) submitted on 28th January 2021, and 12944-DB3-B02-XX-DR-A-90002 Rev H (site plan) and 12944-DB3-B02-XX-DR-A-90007 (Rev A) sports pitches location submitted on 9th August 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;
(3)	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: temporary measures required to manage traffic during construction, plans and details for the turning and

No.	Condition

unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. 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) the development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see the following during construction; pollution and noise control measures, protective tree fencing, and details concerning appropriate working practices and safeguards for bats, otters, water voles, nesting birds, hedgehogs, reptiles and amphibians that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029

(5) no development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority;

b) prior to construction of the building (excluding demolition down to current ground levels) the programme of archaeological

No.	Condition

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, shall be submitted to the planning authority; and

c) should the programme of archaeological evaluation identify significant archaeological remains then, prior to construction of the building (excluding demolition down to current ground levels) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) will be 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 Archaeological 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;

(6) prior to the commencement of the development hereby approved (including all demolition and all preparatory work) an Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be considered in the AMS and TPP shall include, without being limited to:

a) The location and installation of services/utilities/drainage.

b) Methods of demolition within the root protection area (RPA as defined in BS 5837:2012) of the retained trees (if appropriate).

No.	Condition
	c) Details of construction within the RPA or that may impact on the retained trees. d) Recommendations for the specification for the construction of any roads, parking areas, driveways or the like that encroach over the RPA's of the retained trees, including the extent of those areas to be constructed using a no-dig specification. e) Recommendations for protective measures to safeguard the retained trees during both demolition and construction phases, those control measures to be shown on a plan with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection. f) Recommendations for ground protection measures where scaffolding will be erected within the RPA or which will affect retained trees' canopies. g) Recommendations for ground protection measures where cranes will be installed within the RPA or which will affect retained trees' canopies (if appropriate). h) A specification and schedule of tree pruning work to allow the crane to operate effectively (if appropriate). i) Recommendations for site setup (including access, internal roads, temporary parking, on-site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste, as well as the delivery or mixing of concrete), complete with suitable control measures to protect the retained trees from harm from those facilities or activities. j) Details of 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. k) Methods to improve the rooting environment for retained and proposed trees and landscaping. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus

No.	Condition
	materials have been removed. The development thereafter shall be implemented in strict accordance with the approved details. **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;
(7)	the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
(8)	this condition was deleted in line with the addendum;
(9)	the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of

No. **Condition**

planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF;

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

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

(11) 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;

(12) 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

No. **Condition**

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;

(13) prior to commencement of first use, the sports pitches shall be laid out in accordance with the approved drawings.

Reason: To ensure that playing fields are retained and can be accessed in accordance with Policy HS2 of the Warwick District Local Plan 2011 – 2029;

(14) no development shall be carried out above ground level until details of the design and layout of sport hall, the sport hall storage and the changing accommodation (to include all environmental details, colour finishes in the sports hall, floor and wall construction in the sports hall, storage area layouts, changing room details, section through the sports hall shown lighting and heating units, position of all wall mounted electrical equipment) have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The sports hall, sports hall storage and changing accommodation shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy HS5;

(15) no development shall be carried out above slab level until the a noise mitigation scheme has been provided and agreed in writing by the Local Planning Authority, demonstrating that the noise impacts of the development have been reduced to a minimum as far as reasonably possible. The agreed mitigation measures shall be implemented in full prior to first use of the site and shall be retained in perpetuity.

Reason: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

(16) within three months of the first occupation of the development, a report shall be submitted to and

No. **Condition**

approved in writing by the Local Planning Authority demonstrating that the energy efficiency measures detailed within the Revised Energy Strategy Report (submitted to the LPA on 31st March 2021) 'low-carbon strategy' 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;

(17) 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;

(18) no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 1900 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;

(19) 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

No.	Condition
	with Policy BE3 of the Warwick District Local Plan 2011-2029;
(20)	prior to the occupation of the development hereby permitted, thirteen 32amp (minimum) electric vehicle recharging points and two rapid electric vehicle recharging points (43kW AC/50kW DC minimum) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging points have been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging points; (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **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;
(21)	the development shall be carried out in accordance with the submitted travel plan produced by SLR Consulting Ltd (Ref. 418.05578.00006, Version 1.1, dated January 2021). **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; and
(2)	subject to a note to the applicant suggesting that trunking be installed to extend the number of electric vehicles charging points.

92. **W/20/2020 – Land at Thickthorn, Kenilworth**

The Committee considered a hybrid planning application from Barwood Development Securities Ltd, comprising of a full planning application for 98 dwellings (Class C3) served via two new vehicular/pedestrian/cycle access connections from Leamington Road, pedestrian and cycle access to Thickthorn Close; strategic landscaping and earthworks, surface water drainage and all other ancillary infrastructure and enabling works, and an outline planning application for the demolition of existing buildings and

structures; residential development of up to 452 dwellings (Class C3); primary school (Class F.1); employment (Class B2); Class E development; hot food takeaway (sui generis), community centre (Class F.2); strategic landscaping and earthworks, surface water drainage and all other ancillary infrastructure and enabling works with means of site access (excluding internal roads) from the new junction into the detailed parcel of development and access junction off Glasshouse Lane and all other matters (internal access, layout, appearance, scale and landscaping) reserved for subsequent approval.

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

The officer was of the opinion that the development of part of this allocated site (H06) for the construction of 550 dwellings, 8 hectares of employment land, a new one form entry primary school, community centre and a local centre, including the first detailed phase for 98 dwellings and two new accesses off Leamington Road and a new access from Glasshouse Lane, together with the necessary infrastructure and associated works, including the provision of open spaces and SUD's, was considered to be acceptable in principle in accordance with Local Plan Policy DS11.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area and were considered acceptable in terms of car parking and highway safety. While the scale of the development would result in an impact on the setting of the heritage asset known as Thickthorn Manor, this impact equated to less than substantial harm against which was weighed the public benefits of the proposals. The development was therefore considered acceptable in this regard.

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

Notwithstanding the partial outline nature of these proposals, officers were satisfied, based on the illustrative layouts submitted and the parameters plans, that the site was capable of being developed for this number of dwellings and the convenience store without causing material harm to neighbouring amenity or the general character of the surrounding area. Suitable conditions were recommended regarding the phasing of the development.

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

An addendum circulated at the meeting advised of an update to the report, on page 20 below the heading "Impact on Heritage Assets" the relevant Paragraph of the NPPF was Paragraph 195 and not Paragraph 129 as stated. There was also an additional letter of objection received, and an additional general letter received.

The following people addressed the Committee:

- Councillor K Dickson, Kenilworth Town Councillor, objecting;
- Mr Harban, objecting;
- Mr Martin, objecting;
- Mr Stevenson, objecting;
- Mrs Ventham, speaking in support; and
- Councillor Milton, District Councillor, objecting.

In response to questions from Members, the Development Services Manager advised that if Members were uncomfortable with the 20% proportion of affordable housing, in consultation with the Chairman of the Committee, officers could be asked to engage further with the applicant whilst the s106 agreement was being finalised to see if there was potential progress that could be made relating to increasing the proposed 20% affordable housing on the full application site.

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 Falp that the application should be granted.

The Committee therefore

Resolved that application W/20/2020 be **granted,** subject to the following conditions, and a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in the report.

Delegated authority is given to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test together with necessary alterations to the final list of conditions.

Should a satisfactory Section 106 Agreement not have been completed within 3 months of the date of Committee or in the opinion of Officers, insufficient progress has been made within this period to warrant the agreement of additional time to complete the Agreement, Planning Committee are recommended to delegated authority is given to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

No.	**Condition**
(1)	**Implementation** The development hereby permitted in detail (i.e. the means of access and the detailed first phase of 98 no. dwellings,

No.	Condition
	landscaping, SUD's and open space) must be begun not later than the expiration of three years from the date of this permission. The development hereby permitted in outline 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. **Reason**: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
(2)	**Submission of Reserved Matters** With the exception of the detailed first phase of 98 no. dwellings and associated access, servicing, highway works, parking, footpaths, cycleways, public realm and other related works, this permission 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: • Appearance. • Landscaping (other than the structural landscaping hereby approved). • Layout. • Scale. **Reason**: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended);
(3)	**Submission of Reserved Matters Time Limit** In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings

No. **Condition**

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.

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

(4) **In accordance with Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans:

Dwg No.	Rev.	Dwg Name	Received
RG-M-01	D	Site Boundary Plan	3 December 2020
RG-M-Ai08	C	Framework Masterplan	3 December 2020
03798-Ci-SK002-03	-	Preliminary Priority Junction Layout	3 December 2020
03798-Ci-SK003-06	-	A452 Preliminary Access Arrangements	3 December 2020
3584-02	L	Proposed Site Plan	19 April 2021
3584-03	-	Proposed Materials Plan	3 December 2020
3584-04	A	Boundaries Plan	3 December 2020
3584-05	A	Hard Landscaping Plan	3 December 2020
3584-06		Site Sections and Street Scenes	3 December 2020
3584-10	-	House type HQI M2	3 December 2020
3584-11	-	House type Alnwick	3 December 2020
3584-12	-	House type HQI 2.1	3 December 2020
3584-13	-	House type HQI 3.1	3 December 2020
3584-14	-	House type Harwick	3 December 2020
3584-15	-	House type Waddeston	3 December 2020
3584-16	-	House type Harewood	3 December 2020
3584-17	-	House type Holdenby	3 December 2020
3584-18	-	House type Ragley	3 December 2020
3584-19	-	House type Ascot+	3 December 2020
3584-20	-	House type Birstall	3 December 2020
3584-21	-	House type Wentworth and Waddeston	3 December 2020
3584-22	-	House type Wentworth and Holdenby	3 December 2020
3584-23	-	House type HQI 4.1	3 December 2020
3584-24	-	House type Belvoir	3 December 2020
3584-25	-	House type Claydon	3 December 2020
3584-26	-	House type Highclere+	3 December 2020
3584-27	-	House type Longleat+	3 December 2020
3584-28	-	House type Lyme+	3 December 2020
3584-29	-	House type Hatfield+	3 December 2020
3584-30	-	House type Sutton+	3 December 2020
3584-31	-	Single Garage	3 December 2020
3584-32	-	Double Garage	3 December 2020
03798-C-0101-P1	-	Adoption Plan	19 April 2021
03798-C-0102-P1	-	Geometry Plan	19 April 2021
03798-C-0103-P1	-	Visibility Plan	19 April 2021
03798-C-0104-P1	-	Private Visibility Plan	19 April 2021
03798-C-0105-P1	-	Refuse Vehicle - Swept Path S1	19 April 2021
03798-C-0106-P1	-	Refuse Vehicle - Swept Path S2	19 April 2021
03798-C-0107-P1	-	Shared Driveway – Swept Path	19 April 2021
03798-C-0108-P1	-	Private Driveways – Swept Path	19 April 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;

(5) **Surface Water Drainage Scheme**

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, and an assessment of the hydrological

No.	Condition
	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: • Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753. Provide cross sections of all proposed features and the require maintenance easements are provided. • Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 4.3 l/s/ha for the site. • Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments'.* • Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% climate change return periods. • Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event. **Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-

No.	Condition
	2029;
(6)	**Prevention of Material entering Watercourses** No development and subsequent use of the development shall take place until a strategy to manage and maintain any construction materials from entering or silting up the watercourse has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. Details to ensure that no silt or chemicals can leave the phase being constructed shall be provided and monitoring of the watercourse during construction. **Reason:** To ensure the construction of the development does not have impacts to the on-site watercourse or off site to flood risk;
(7)	**Updated Drainage Strategy for A46 Culvert** Prior to the commencement of the development, an updated Flood Risk Assessment and Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. This document shall describe how the site drainage will be maintained at greenfield run-off rate. In addition, the FRA should include a scenario where the downstream A46 culvert is at 50% of its capacity. In the event that risk of flooding becomes evident, appropriate mitigation should be incorporated to address the issue. Any mitigation should be completely within the bounds of the development site. **Reason:** To ensure that the A46 Trunk Road continues to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, and in the interests of road safety;
(8)	**Foul Drainage Scheme**

No.	Condition
	Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, a Foul Drainage scheme to include: (a) A drainage strategy for the disposal of foul sewage; and (b) Program of delivery. Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development. **Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies BE1, FW2 and NE5 of the Warwick District Local Plan 2011-2029;
(9)	**Road traffic noise (Detailed Phase)** The detailed housing phase of 98 dwellings of the development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive road traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road traffic noise has been submitted to and approved in writing by the local planning authority. Once approved the scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason**: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(10)	**Road traffic noise (Outline application)**

No.	Condition
	Prior to the submission of any reserved matters application a supplementary road traffic noise assessment and scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. Once approved the scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(11)	**Impacts of commercial development (Outline application)** Prior to the submission of any reserved matters application, a noise assessment (including details of any noise mitigation measures if deemed necessary) of the impacts from the proposed primary school (Class F.1), employment uses (Class B2), Class E development, and community centre (Class F.2) shall be submitted to and approved in writing by the local planning authority. Any noise mitigation measures shall be implemented in strict accordance with the approved details. The noise mitigation measures shall thereafter be retained and maintained in strict accordance with the approved details at all times. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(12)	**Air quality Mitigation** The detailed phase of the development shall not commence until an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality

No.	Condition
	Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority. Prior to the submission of any reserved matters application an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) shall be submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full prior to the first occupation of the development and shall not be altered in any way thereafter without expressed written consent from the local planning authority. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(13)	**Air Quality Mitigation from A46** Prior to the submission of any reserved matters, a scheme of air quality mitigation measures to protect the residential amenity of future occupiers shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the reserved matters submissions should incorporate these measures into the final layout and design of the scheme together with the submission of a compliance statement setting out how these measures have been achieved. Thereafter, the development shall be carried out in accordance with the approved mitigation measures. **Reason:** To ensure appropriate mitigation against air quality impacts for future residents within the proposed development in accordance with Policies BE3 and NE5 of the Warwick District

No.	Condition
	Local Plan;
(14)	**Construction Environmental Management Plan** No phase of development hereby permitted shall commence until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF) and Policy NE2 of the Warwick District Local Plan 2011-2029;
(15)	**Protected Species Contingency Plan** No phase of development hereby permitted shall commence until a Protected Species Contingency Plan for that phase has been submitted to and approved in writing by the local planning authority. The plan shall include: (a) further bat surveys of the buildings and trees in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall

No.	Condition
	thereafter be implemented in full; and (b) an updated badger survey carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full; Any approved mitigation plan shall thereafter be implemented in full. **Reason**: To ensure that protected species are not harmed by the development in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029;
(16)	**Landscape and Ecological Management Plan** No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used, and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029;
(17)	**Protection of Ancient Woodland** No phase of development hereby permitted shall commence until adequate measures have been taken to protect existing trees, scrub and ground flora of

No.	Condition
	the adjacent Thickthorn Ancient Woodland, during development. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a sufficient buffer zone between the development / associated works and the boundary of the Ancient Woodland. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora. **Reason**: To ensure the protection of important habitats during development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
(18)	**Tree and Hedgerow Protection** No phase of development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site, for that phase, has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition, and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered, or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

No.	Condition
(19)	No phase of development hereby permitted shall commence 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 the boundary edges, along hedgerows, around known bat roosts and badgers' setts, 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 nocturnal wildlife. This could be achieved in the following ways: • 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 The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason**: To ensure that protected species and habitats to be retained are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029, the National Planning Policy Framework (NPPF) and ODPM Circular 06/2005;
(20)	**Construction Method Statement** No phase of development hereby permitted (including any works of demolition) shall commence until a construction method statement for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with Warwickshire County Highways and Highways England. The approved statement shall be strictly adhered to

No.	Condition
	throughout the construction period and shall provide for: • Any temporary measures required to manage traffic during construction. • Construction Phasing Plan. • Construction site layout showing clearly designated areas for the parking of vehicles for site operatives and visitors; areas for the loading and unloading of plant and materials (i.e. deliveries/waste); storage of plant and materials used in constructing the development; areas for managing waste, and wheel washing facilities. • A HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, and construction delivery times (to avoid peak hours) 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. • Clear and detailed measures to prevent debris, mud and detritus being distributed onto the Local highway and SRN. • 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. • Concrete crusher if required or alternative procedure. • Delivery times and site working hours. • waste management. • 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.

No.	Condition

- Complaints procedures, including complaints response procedures and details of the responsible person (e.g. site manager/office) who could be contacted in the event of complaint.
- a scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic numbers and routes.
- Best practicable means shall be employed at all times to control noise on the site including:

    - Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
    - Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

Thereafter, all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with Highways England.

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, TR3 and NE5 of the Warwick District Local Plan 2011-2029;

(21) **Phasing Plan**

No.	Condition
	No development other than the detailed phase of 98 dwellings shall commence until a phasing plan for the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the phases established in the phasing plan or any subsequent update to that phasing plan as approved by the local planning authority. **Reason**: To ensure the proper phasing of the development;
(22)	**Contaminated Land Assessment** No phase of development hereby permitted shall commence until: (1) (a) A site investigation for that phase has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable: • A risk assessment to be undertaken relating to human health. • A risk assessment to be undertaken relating to 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

No.	Condition
	has been undertaken; (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the planning authority prior to the remediation being carried out on the site. (2) All development of the site shall accord with the approved method statement; (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 dealt with; (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. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

No.	Condition

(23) **Fire Hydrants**

No phase of development hereby permitted shall commence until a scheme for the provision of adequate water supplies and fire hydrants for that phase, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters;

(24) **Scheme of Open Space to be Submitted**

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of open space for that reserved matters consent to include details of:

(a) How mixed open space facilities will be incorporated into the development;
(b) Informal open space;
(c) Appropriate children's play facilities;
(d) Outdoor sport facilities;
(e) Allotment gardens;
(f) Management arrangements; and
(g) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029;

No.	Condition
(25)	**Site Wide Masterplan to be Submitted** Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for any phase of the development hereby approved, a Site Wide Masterplan to include: (a) Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context; (b) Land form topography as existing and proposed; (c) Land use plan and character areas (including densities and building heights); (d) Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area; (e) Key infrastructure (including SUDs, significant utility provision, schools, district/local centres); (f) Landscape corridors and open space network; (g) Public open space; (h) Structural planting landscape areas; (i) Street lighting arrangements and any other lighting to public space; (j) A phasing plan including triggers for delivery of key elements of supporting infrastructure; and (k) A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code. Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Masterplan shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

No.	Condition
	Reason: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029;
(26)	**Site Wide Design Code to be Submitted** Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for each phase of the development hereby approved, a Site Wide Design Code to include: (a) Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas); (b) Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space); (c) Building types; (d) Building heights; (e) The means to accommodate the parking of vehicles and cycles; (f) Sustainable Urban Drainage features; (g) Key spaces, open spaces and green features; (h) Architectural language and detailing; (i) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention); (j) Design principles for street tree planting and other structural planting landscaping areas; (k) Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management; (l) Design principles on waste disposal and recycling; (m) Design principles on the colour and texture of external materials and

No.	Condition
	facing finishes for roofing and walls of buildings and structures; (n) Design principles for street lighting and any other lighting to public space (including parking areas); (o) The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250; and (p) A mechanism for periodic review and refinement if necessary, of the approved Design Code. Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Design Code shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority. **Reason**: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029;
(27)	**Sustainability Statement** Notwithstanding details contained within the approved documents, prior to commencement of development within its relevant phase, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include: (a) How the development will reduce carbon emissions and utilise renewable energy; (b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures; (c) How proposals will de-carbonise major development; (d) Details of the building envelope (including U/R values and air tightness);

No.	Condition
	(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; and (g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading. No dwellings, the primary school or commercial buildings 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. No further development phases shall be inhibited from shared heating/cooling systems unless otherwise agreed in writing by the Local Planning Authority. **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);
(28)	**Site Levels/Finished Floor Levels** No development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with adjacent phases have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

No.	Condition
	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;
(29)	**Materials** No development on the detailed first phase of 98 no. dwellings 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. Development shall 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;
(30)	**Large Scale Details** No development on the detailed first phase of 98 no. dwellings shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods 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 a high standard of design and appearance in accordance with Policies HE1 and BE1 of the Warwick District Local Plan 2011-2029;
(31)	**Noise Mitigation Measures** Construction of any buildings hereby permitted in outline shall not commence until a scheme of mitigation including

No.	Condition
	detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason**: To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(32)	**Estate Roads laid out to satisfaction of the Highways Authority** No dwelling shall be occupied until the estate roads [including footways and cycleways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
(33)	**Provision of Cycle Parking** The development shall not be occupied until details of cycle parking facilities in accordance with the Warwick District Council Parking Standards 2018 have been submitted to the Local Planning Authority. **Reason:** In the interests of sustainable transport opportunities and to assist with mitigation against air quality impacts associated with the proposed development in accordance with Policies TR1 and NE5 of the Warwick District Local Plan;
(34)	**Delivery of Spine Road**

No.	Condition
	Prior to the completion of 475 dwellings and 55% of the employment site (unless otherwise agreed with the Local Planning Authority), the spine road linking Leamington Road and Glasshouse Lane will be required. This shall be constructed to the standard specification of the Local Highway Authority and be open to all traffic. **Reason**: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
(35)	**Low Emission Strategy** The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason**: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan
(36)	**Schedule of Local Centre Floorspace to be Submitted** Notwithstanding details contained within the approved documents, prior to occupation of the 200th dwelling or marketing of the site for the Local Centre (whichever is sooner), details to include: (a) a schedule of the proposed land uses; (b) details of management/ownership; and (c) program of delivery. Shall be submitted to and approved in writing by the Local Planning Authority. The approved schedule shall be

No.	Condition
	implemented unless otherwise agreed in writing by the Local Planning Authority. Where single units that include retail, meeting places, tourism, cultural and sports development in excess of 500sqm of gross floorspace, an impact test shall be submitted. **Reason:** To manage the impact of Local Centre uses on the wider area in accordance with Policies CT1 and TC2 of the Warwick District Local Plan (2011-2029).
(37)	**Schedule of Community Centre Accommodation & Management to be Submitted** Notwithstanding details contained within the approved documents, prior to occupation of the 200th dwelling or marketing of the site for the Community Centre (whichever is sooner), details to include; (a) a schedule of accommodation; (b) details of management/ownership; and (c) program of delivery. Shall be submitted to and approved in writing by the Local Planning Authority. The approved schedule shall be implemented unless otherwise agreed in writing by the Local Planning Authority and transferred to the relevant ownership/management body. **Reason:** In the interests of comprehensive development in accordance with Policy DS15 of the Warwick District Local Plan (2011-2029);
(38)	**Schedule of Employment Floor Space to be Submitted** Notwithstanding details contained within the approved documents, prior to occupation of the 200th dwelling or marketing of the site for the Employment Uses (whichever is sooner), details to include;

No.	Condition
	a) A schedule of accommodation; b) Details of management/ownership; and c) Program of delivery. Shall be submitted to and approved in writing by the Local Planning Authority. The approved schedule shall be implemented unless otherwise agreed in writing by the Local Planning Authority. **Reason:** In the interests of comprehensive development in accordance with Policy DS15 of the Warwick District Local Plan (2011-2029);
(39)	**Travel Plan to be Submitted** Notwithstanding details contained within the approved documents, prior to occupation of the Local Centre, Employment Uses or Educational Facilities under any reserved matters consent, a detailed Travel Plan to include; a) Measures to reduce single occupancy car trips to/from the site; b) Encourage modal shift; and c) Program of delivery. Shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented **Reason:** In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029;
(40)	**Maintenance of Surface Water Drainage** 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

No.	Condition
	details shall be provided to the LPA within the maintenance plan. **Reason:** To ensure the future maintenance of the sustainable drainage structures;
(41)	**Maintenance of Surface Water Drainage** 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;
(42)	**Water Efficiency** Notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with the any relevant manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District

No.	Condition
	Local Plan 2011-2029;
(43)	**Pedestrian and Cycle Links** The reserved matters for each phase of development to be submitted pursuant to condition 1 shall include full details of how the development will ensure pedestrian and cycle connectivity both within the site and to adjoining land parcels and land uses. This should include appropriate connectivity between residential development and the facilities on site and how the site will provide connectivity with the remainder of the Land East of Kenilworth area. **Reason:** In the interests of encouraging sustainable modes of travel in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029;
(44)	**All connections to site boundary** The Reserved Matters submission(s) shall include details of all connecting foot/cycleways extending up to and including the ownership/application site boundaries of the development. **Reason:** To secure an appropriate linkage to the adjacent residential allocation to provide a comprehensive transport strategy for the development in accordance with Policy DS15 of the Warwick District Local Plan;
(45)	**Provision of Allotments** Prior to the occupation of 50% of the dwellings, the allotments and associated infrastructure shall be laid out in full accordance with an Allotment Delivery and Management Plan that shall first have been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the location of the allotments, laying out of individual plots, infrastructure, boundary fencing, car parking areas and any proposed storage structures. Once laid out the allotments shall be appropriately managed, maintained and kept in a tidy

No.	Condition
	condition for use as allotments for the lifetime of the development as set out within the Management Plan. **Reason:** To ensure adequate infrastructure is provided in a timely manner as part of the comprehensive development of this strategic site in the interests of the sustainable development in accordance with Policy DS15 of the Warwick District Local Plan 2011-2029;
(46)	**Plant Noise** Noise arising from any plant or equipment at these premises, when measured one metre from the façade 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 ensure there would be no unacceptable disturbance to the detriment of the amenities of the occupiers of the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(47)	**Estate Roads Layout** The layout of the estate roads serving the development [including footways, cycleways, verges, footpaths, and private drives] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001', in general accordance with submitted drawing number 03798-C-0102-P1 Geometry Plan. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-

No.	Condition

2029;

(48) **Construction of Estate Roads**

The construction of the estate roads serving the development [including footways, cycleways, verges and footpaths] shall not be other than in accordance with the standard specification of the Highway Authority.

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

(49) **Landscaping Standards**
Notwithstanding details contained within the approved documents, the landscaping scheme(s) approved under any subsequent reserved matters application(s) shall be:

(a) Carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation;

(b) 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;

(c) 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 and to protect and enhance the amenities of the area, in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

(50) **Landscape Replacement Planting**

No.	Condition

Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first occupation of dwellings within that phase and within the first planting season following the first occupation of the new school, and the tree(s) and shrub(s) shall be planted within six months of that first occupation. -

Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted.

All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

(51) **Housing Mix**

The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the Strategic Housing Market Assessment at the point of submission of the reserved matters unless an alternative strategy is agreed in writing by the Local Planning Authority. The final mix must take into account the mix provided within the detailed phase of 98 dwellings.

No.	Condition
	Reason: To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF;
(52)	**Footpath Maintenance Condition** No site security fencing may be erected on or within 1m of public right of way W212. Should any damage occur to the surface or route of Footpath W212, the applicant must make good any damage to the surface of public right of way immediately and to the satisfaction of the Warwickshire County Council Rights of Way Team. **Reason**: To ensure sustainable modes of travel are maintained in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029; and

(2) Officers, in consultation with the Chairman of the Committee, engage further with the applicant whilst the s106 agreement is being finalised to see if there is potential progress that can be made relating to increasing the proposed 20% affordable housing on the full application site.

93. **W/21/0657 – 2 Elizabeth Way, Kenilworth**

The application was withdrawn from the agenda prior to the meeting.

94. **W/21/1150 – Ingon, Old Warwick Road, Lapworth, Solihull**

The Committee considered an application from Mr Gillot for the formation of a dropped kerb to provide vehicular access.

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

The officer was of the opinion that the scheme was acceptable, having regard to the character of the street scene, neighbouring amenity, highways impacts and ecology. Members were therefore recommended to grant planning permission, subject to conditions.

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

The Committee therefore

Resolved that W/21/1150 be **granted** subject to the following conditions:

No.	Condition
(1)	the development hereby permitted shall begin not later than three years from the date of this permission. **Reason**: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
(2)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on the 7th May 2021, and drawing 'KCB946LN' submitted on the 15th July 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; and
(3)	the access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** To ensure an appropriate standard of development and finish in accordance with Warwick District Local Plan Policy TR1.

95. **TPO 567 – Land to the rear of 22 -25 The Spinney, Royal Leamington Spa**

The Committee considered the confirmation of a provisional Tree Preservation Order relating to a beech tree at the land to the rear of 22-25 The Spinney, Royal Leamington Spa.

The application was presented to Committee because objections were received against the TPO being confirmed.

The Council was made aware on 18 January of an interest to reduce the mass of a large and mature beech tree on land to the rear of 22 – 25 The Spinney. Following an exchange of correspondence and a site visit, the beech tree was made subject of an Order.

The proposed crown reduction was considered unacceptable on technical grounds; the reduction of a beech could lead to damage as the bark on the inner branches tended to be thin, and when exposed to sunlight it would become damaged with a loss of function. That risk might be controlled if the work was carried out when the days were short, from November to January.

The officer was of the opinion that the issues raised in objection to the TPO were sufficient to outweigh the significant amenity contribution which the beech tree made to the surrounding area and therefore it was expedient to confirm the TPO.

Following consideration of the report and presentation, it was proposed by Councillor Tracey and seconded that the TPO be confirmed.

The Committee therefore

Resolved that officers be authorised to confirm TPO 567.

96. **Planning Appeals Report**

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

Resolved that the report be noted.

(The meeting ended at 9:32pm)

CHAIRMAN
12 October 2021

Planning Committee: 12 October 2021 **Item Number: 5**

Application No: W 18 / 0643

Registration Date: 03/04/18
Town/Parish Council: Stoneleigh **Expiry Date:** 03/07/18
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

Land at Kings Hill Lane, Stoneleigh

Outline application with access: Development of up to 2,500 dwellings (C3); 4,000 sq.m. of mixed use floorspace (A1, A2, A3, A4, A5, B1, C2, D1 and D2); Primary School; Secondary School, Open Space and Associated Infrastructure FOR Lioncourt Strategic Land Limited, Lioncourt Homes (Development No.17) Limited De

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This item is being brought to Planning Committee to seek authorisation for a revision to the requirements of a Section 106 Agreement relating to this development.

This is a complex agreement relating to a significant development for which Planning Committee resolved to grant permission on 3 December 2019. A number of parties including the applicant along with various District and County Council Officers are continuing to work on the agreement with a view to finalising it in the near future. The scale of the work involved and nature of those discussions is such that from time to time, the need for revisions to the agreement are identified.

Planning Committee are asked to note that the overriding purpose in securing this agreement is to ensure that it makes provision for all of the infrastructure requirements arising from the development and that they come forward at the appropriate time.

The completion of the agreement is now imminent. However, there is a discrepancy with the contribution request from South Warwickshire Clinical Commissioning Group that needs to be addressed.

RECOMMENDATION

Planning Committee are recommended to delegate authority to the Head of Development Services to agree and finalise the revision to the Section 106 agreement set out below.

DETAILS OF THE CHANGE

The original Committee Report for this application identified a contribution of £1,710,755 and 0.501ha of land towards an on-site health centre or £1,283,113 for off-site expansions / improvements. The requirements for on-site provision have since been changed to a contribution of £1,440,052 and 0.75 acres of land.

THE SITE AND ITS LOCATION

The application site is located to the north of the District, abutting the administrative boundary with Coventry.

ASSESSMENT

The change has arisen following the receipt of revised comments from South Warwickshire Clinical Commissioning Group (CCG). The CCG updated their request to reflect a revised calculation of the amount of money and land that would be required to provide primary healthcare facilities to serve the development. As the change is in accordance with the latest comments from the CCG, it is considered appropriate for this to be incorporated into the final section 106 agreement. The revised financial contribution and land provision will be sufficient to mitigate the impacts of the development on primary healthcare facilities.

SUMMARY/CONCLUSION

For the reasons set out above, Committee are asked to agree to the recommendation in order to assist officers to bring the discussions on the Section 106 agreement to a conclusion and to issue the decision.

Planning Committee: 12 October 2021 **Item Number: 6**

Application No: W 21 / 1165

Registration Date: 16/06/21
Town/Parish Council: Leamington Spa **Expiry Date:** 15/09/21
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Land at the corner of Ramsey Road and St Mary's Road, Leamington Spa, CV31 1PP

Demolition of existing industrial units, erection of 15no. dwellings (Use Class C3) together with associated vehicular access, parking and landscaping FOR Deeley Homes

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This application is being presented to Planning Committee because it is recommended that planning permission be granted subject to the completion of a s.106 legal agreement.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/ obligations as set out in the report.

Planning Committee is also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test together with alterations to the final list of conditions.

Should a satisfactory Section 106 Agreement not have been completed within 4 months from the date of the Planning Committee meeting and there is no ongoing progress towards the satisfactory completion of the Section 106 Agreement, Planning Committee is recommended to delegate authority to the Head of Development Services to refuse planning permission on grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The proposal is for the demolition of the existing commercial premises and replacement with a residential development of 15no. units compromising:

4 x 1 bedroom maisonettes.
6 x 2 bedroom two storey houses.
5 x 3 bedroom two storey houses.

Of the 15 units proposed, 40% (6 units) are to be provided as affordable housing.

The proposal also includes the provision of access, parking and hard and soft landscaping together with appropriate drainage across the site.

THE SITE AND ITS LOCATION

The application site comprises an area of approximately 0.28 hectares of land to the north of St Mary's Road and is flanked by Ramsey Road to the East.

The site currently contains existing commercial buildings and hardstanding areas with limited planting. The highway verge to St Mary's Road is laid to grass with 2 mature highway trees located within the verge. On the Ramsey Road side, there are some smaller street trees set within existing hardstanding areas.

The site flanked by housing to the north, east and west with a mixture of houses and flats in close proximity to the site. The boundaries are formed from a combination of walls and security fencing.

To the south of the site, the area is more industrial/ commercial in character with a range of businesses operating from a mixed range of buildings.

The site is currently accessed directly off Ramsey Road from existing dropped kerbs serving the buildings. Pedestrian access is also available directly to the buildings from St Mary's Road.

PLANNING HISTORY

No relevant planning history for this form of development. All history relates to the commercial/industrial use of the site.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS7 - Meeting the Housing Requirement
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix or Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation

- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS4 - Housing Character Outside the Conservation Areas
- RLS5 - Royal Leamington Spa Housing Mix and Tenure
- RLS12 - Air Quality
- RLS13 - Traffic and Transport
- RLS14 - Cycling

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: The Town Council is supportive of this application to redevelop this site for residential use, subject to no objection from WCC Highways particularly with regard to vehicular accessibility and flow via the canal bridge to the north of the site. The inclusion of a 40% affordable housing element and the requisite number of parking spaces per property is very welcome.

WDC Waste Management: No objection.

WDC Arboricultural Officer: No objection. The Tree Survey and Arboricultural Impact Assessment from Westside Forestry is thorough and their analysis seemed reasonable, and their recommendations for crown pruning work to prevent harm to the trees was considered to be an appropriate response to the presenting symptoms. Recommend Arboricultural Method Statement and Tree Protection Plan secured by condition.

WDC Health & Community Protection - Safer Communities Section: No objection, subject to conditions.

WCC Highways: No objection, subject to condition regarding construction of footways and carriageways.

WCC Ecology: No objection, subject to conditions and informative notes.

WCC Local Lead Flood Authority: Recommend submission of additional details to demonstrate an acceptable drainage strategy can be achieved.

WCC Landscape: Recommend additional screen planting to substation to minimise visual impact.

Warks Police (Designing Out Crime): Concern regarding the proposed pedestrian links onto St Marys Road. In the interest of crime prevention, a closed cul-de-sac with a single point of access is preferable to increase natural surveillance.

Severn Trent Water: No objection. Foul and surface water will be connected to mains for which formal consent will be required. Recommend explanatory note regarding drainage connections.

Warwickshire Fire & Rescue: No objection, subject to fire hydrant condition.

ASSESSMENT

Principle of Development

Five Year Housing Land Supply

The most up to date Five Year Housing Land Supply (5YHLS) figures state that as of 1 April 2020, the Local Planning Authority is able to demonstrate a 5.63 year Housing Land Supply.

NPPF

The National Planning Policy Framework (NPPF) seeks to promote sustainable development with paragraph 8 providing the starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development - an economic element, a social element and an environmental element which are interdependent and need to be pursued in mutually supportive ways.

Local Plan

Policy H1 of the Warwick District Local Plan sets out where housing is to be directed within the district, including within urban areas.

The application site is located within the urban area of Leamington Spa. Therefore, the principle of development is acceptable in accordance with H1 of the WDLP. The site also forms an area of brownfield land identified with the Local Plan as poor quality employment land that has been earmarked for redevelopment for residential with replacement employment land to be provided elsewhere within the Local Plan period.

Neighbourhood Plan

Policy RLS1 of the NDP states that proposals for new housing development within the Royal Leamington Spa Urban Area, will be supported for the following:

1. Re-use of previously developed land and buildings when not in conflict with other development plan policies.
2. Infill development that is of an appropriate scale and that does not lead to the loss of residential gardens (unless in accordance with Policy H1 of the Warwick District Local Plan), overdevelopment, or have a
significant adverse impact on the amenity of adjacent existing occupiers and uses.
3. Proposals for custom and self-build housing provision that are acceptable when assessed against Warwick District Local Plan Policy H15.
4. Proposals for purpose-built student accommodation when positively assessed against all related development plan requirements and guidance.

The proposal accords with this policy.

Housing Mix

Policy H4 of the Local Plan relates to providing a mix of housing. It is noted that the scheme proposes a mix of 1, 2 and 3 bedroom homes. The 15 unit scheme also provides 40% Affordable Units (6 in total).

The proposal in the context of the requirement set out in the Joint Strategic Housing Market Assessment (SHMA) for the private units is as follows:

Property Size	JSMHA Mix	No. of Units	Proposed Mix	Difference
1 Bed	5-10%	0	0%	-5%
2 Bed	25-30%	4	44.4%	+14.4%
3 Bed	40-45%	5	55.6%	+10.6%%
4+ Bed	20-25%	0	0%	-20%

Whilst the proposed housing mix for the private units does not accord with that set out within the SHMA, Officers note that the site area is limited and the low overall number of private dwellings would preclude providing a mix that would meet the above guidelines.

The affordable mix proposed is 4 x 1 bedroom and 2 x 2 bedroom units which have been negotiated with the Council's Housing Team as an acceptable mix for the low level of affordable units proposed.

Taking into consideration the setting and surrounding form of residential development, the overall mix of 1, 2 and 3 bedroom properties would be the most appropriate mix for this site and would provide be in keeping with the new residential development immediately adjacent to the site.

Taking all of the above into consideration, Officers are satisfied that the scheme is acceptable in principle.

Design and impact on visual amenity and the character of surrounding area and adjacent Canal Conservation Area

Section 12 of the NPPF places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design 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. There is also a requirement for development to be constructed using appropriate materials to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not harm the and appearance of the local area.

The Residential Design Guide SPD sets out steps which should be followed in order to achieve good design in terms of the impact on the local area, the importance of respecting existing important features, respecting the surrounding buildings and using the right materials.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Warwick District Local Plan Policy HE1 (Protection of Heritage Assets) states that development will be expected to respect the setting of conservation areas and important views both in and out of them.

Policy RLS3 states that development proposals that are within or directly affect a conservation area must assess and address their impact on their heritage significance.

The site as existing has industrial buildings immediately on the boundary with St Mary's Road with the additional building at the rear of the site abutting the recently constructed apartment building to the north. The buildings currently cover the majority of the site with limited parking and yard areas within the curtilage of the site. To the north and east of the site is a recently constructed development and the proposal identified on the indicative site layout takes its design cues from the existing development.

The design rationale of the proposed units is broadly in keeping with the development within the local area and Officers are satisfied that this is in keeping with the surrounding area and complements the existing residential scheme opposite the site.

The development is of a scale to carry a varying design style and palette of materials to blend with the adjacent development and ensures that it is well integrated into the local area.

One element that could be of concern for a new scheme is the impact of frontage parking. Normally this is overcome through additional landscaping or where possible the provision of tandem parking to the side of units to allow for the dwellings to have green frontages in accordance with garden suburbs principles.

However, it is noted that the scheme is designed to be in keeping with the adjacent development opposite where there are various areas of frontage parking. On balance, in this case, Officers are satisfied that the development is in keeping with the local area and are satisfied that the scheme is acceptable. It is also noted that this development has the frontage parking located within the cul-de-sac area which is less publicly visible which helps to mitigates this impact further.

The scheme has been designed so that the properties front onto St Mary's Road giving an active frontage. In addition, the proposed flats also have an active frontage onto Ramsey Road to provide a sense of place that is appropriate for the area.

Overall, the scheme is considered to provide a high quality development that complements the existing residential development to the east as well as the newly completed development of apartments on the former Elisabeth the Chef site immediately to the west. The site completes the residential frontage of this side of St Mary's Road giving a coherent appearance to the Local Area and improves the setting of the Canal Conservation Area in this location.

The scheme is therefore considered acceptable having regard to Policy BE1 and HE1 of the Local Plan.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposal has been designed to ensure that all windows are located appropriately to prevent harmful overlooking of adjacent properties and loss of privacy. Where there are facing windows, these greatly exceed the required separation distances to prevent unacceptable loss of privacy.

The site lies adjacent to an existing apartment block constructed as part of the earlier residential development of the site. The rear elevation of this building has a blank elevation facing the site so the new development would not result in any harm to the amenity of residents of the block.

Officers therefore consider that the proposal is acceptable having regard to Policy BE3

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development which does not provide acceptable standards of amenity for future occupiers of a development will not be permitted.

All of the proposed dwellings have been designed to benefit from appropriately sized areas of private external amenity space. In addition, all habitable rooms are provided with adequately sized windows to provide acceptable levels of light and outlook for future residents.

Officers therefore consider that the proposal is acceptable having regard to Policy BE3.

Parking & 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.

Policy RLS13 of the Neighbourhood Plan requires all development to support measures for sustainable transport methods to make Royal Leamington Spa a cleaner, safer and healthier town.

The proposal includes the provision of a new highway access into the cul-de-sac built to the required specifications of the County Highways Authority. The proposed access has acceptable visibility in both directions and will also provide an appropriate footpath link from within the site to the wider network.

The properties have been provided with a level of parking commensurate with the adopted Parking Standards SPD.

Officers therefore consider that the proposal is acceptable having regard to Policies TR1 and TR3.

Impact on Ecology/ Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/ or restore habitat biodiversity. Where this is not possible, mitigation or compensatory measures should be identified accordingly.

The proposal has been submitted with a Preliminary Ecological Assessment. This has been assessed by the County Ecologist who is satisfied with the results of the survey work and has no objection subject to the imposition of conditions to secure biodiversity gains across the site and to ensure protected species are not harmed by the development works.

Officers therefore consider that the proposal is acceptable having regard to Policy NE3.

Impact on Local Infrastructure / Services

The proposed development of 15 dwellings would create additional demand for local infrastructure/ services and therefore developer contributions are required.

Having assessed the available evidence, the contributions sought are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 15 dwellings on this site would have a material impact on or need for improvements to local facilities to mitigate the impact of the development.

Therefore, it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement. At the current time, the following financial contribution requests have been received:

Outdoor Sporting Contribution	£1,059
Indoor Sporting Contribution	£11,787
Grass Pitch Contribution	£16,530
Off-site Open Space Contribution	£tbc
Doctors Surgeries	£tbc
Hospitals	£tbc
Footpath Improvements	£tbc
Libraries	£tbc
Education	£tbc
Sustainable Travel Promotion	£tbc
Monitoring (County)	£tbc
Monitoring (WDC)	£tbc

Where the figure is to be confirmed, this will be provided within the update report for Members ahead of the meeting.

In addition, the Section 106 Agreement will also secure the following:

- 40% Affordable Housing
- Local Labour Agreement.

Drainage

Policy FW1 requires all new development to be resilient to surface water flooding through the use of appropriate drainage solutions. Policy FW3 seeks water efficiency measures.

Policy RLS1 of the NDP states that development proposals for previously developed land, where appropriate, should undertake a surface water outfall assessment, following the Drainage Hierarchy (NPPG, Paragraph 80) to determine if there are viable alternatives to existing connections to the combined sewer network.

In terms of surface water drainage, the site is within Flood Zone 1 which is identified as the areas of lowest risk from flooding. Drainage is proposed to be dealt with on-site using Sustainable Urban Drainage systems (SuDs). The scheme was submitted with a drainage strategy demonstrating that as part of the SuDs scheme, it is proposed to install an attenuation tank within the limits of the site to ensure run-off results in an 88% betterment compared to the existing drainage on site. This exceeds the 50% requirement as stipulated by the Local Lead Flood Authority.

In terms of foul sewage, it is indicated that the dwellings are proposed to connect to the mains sewers in the local area. This would be subject to separate approvals with Severn Trent Water. It is appropriate to attach a condition seeking the details of the drainage to be submitted and approved as well as a condition requiring water efficiency measures to satisfy Policy FW3. All drainage will be secured by condition.

The proposal is therefore considered to satisfy the relevant policies referenced.

Contaminated Land

Paragraph 183 of the NPPF states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Paragraph 184 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

As the site is a former industrial site, the Environmental Protection Officer has recommended that an appropriate Ground Investigation Survey is carried out to identify any contamination and to provide a mitigation scheme to address any contaminated land found. This is to be secured by condition.

Trees/ Hedgerows

The site is predominantly laid to hardstanding and buildings so there are no trees or hedgerows within the site. The closest trees lie within the public highway and these are to be retained as part of the scheme. A protection scheme is proposed to ensure that these trees are not harmed by the development.

Waste Storage

The development has been assessed by the waste management team who are satisfied that the layout of the scheme will facilitate appropriate waste collections by the weekly waste service. Each plot contains adequate space for storage of bins.

Air Quality

A condition will be added to secure the provision of electric vehicle charging points to satisfy the requirements of the Air Quality & Planning SPD.

Other Matters

The County Landscape Officer has requested that screening be provided for the substation adjacent to Plots 4-7. Having assessed this element, it is noted that a hedgerow is proposed along the rear of the parking area to provide screening and only the outdoor utility area serving the plots would be unscreened. Officers consider that the substation, whilst utilitarian in appearance, is low profile and constructed of a buff mix brick under a flat roof and would not be sufficiently

obtrusive to cause demonstrable harm to the amenity of future occupiers or the character and appearance of the area.

The Warwickshire Police Designing Out Crime Officer has raised concern about the open nature of the frontage with St Mary's Road and has stated a preference for a "closed cul-de-sac" in the interest of reducing opportunities for crime. The introduction of some form of boundary along the St Mary's Road frontage would give a much harder edge to the development than the open, green frontage proposed that provides a soft edge to the development. This approach would also inhibit movement through the site for pedestrians and cyclists entering and leaving the site. It would also make access to the fronts of Plots 1-3 more difficult from the rear parking area. On balance, the benefits of the open frontage are considered to outweigh the negative in this case and Officers are satisfied that the layout as proposed is acceptable.

Conclusion

The development of the site for the construction of 15 dwellings is considered to be acceptable in principle in accordance with Local Plan Policies H1 and DS11.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area and are considered to be acceptable in terms of car parking and highway safety. The development would not result in an impact on the setting of the heritage asset of the Canal Conservation Area. The development is therefore considered acceptable in this regard.

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

Overall, the development is considered to accord with all relevant provisions of the Development Plan and for these reasons, it is therefore recommended that planning permission be granted subject to the signing of a Section 106 Agreement to secure the relevant obligations.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 4004-05D, 4004-10B, 4004-11B, 4004-12C and ZLA-1015-L200-B, and specification contained therein, submitted on 16 June 2021 and approved drawings EW1051-01-P1 and EW1051-02-P2 and specification contained therein, submitted on 12 August 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.

3 Prior to the commencement of the development hereby approved (including all demolition and all preparatory work), an arboricultural method statement (AMS) and a tree protection plan (TPP) in accordance with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority for the protection of the retained trees.

Specific issues to be considered in the AMS and TPP shall include, without being limited to:

a) The location and installation of services/utilities/drainage above- and below-ground.
b) Methods of demolition within the root protection area (RPA as defined in BS 5837:2012) of the retained trees
c) Details of construction within the RPA or that may impact on the retained trees.
d) Recommendations for the specification for the construction of any roads, parking areas and driveways that encroach over RPA's of off-site trees and the retained trees within the site, including the extent of those areas to be constructed using a no-dig specification.
e) A recommendation for protective measures to safeguard the off-site trees and the retained trees within the site during both demolition and construction phases, those control measures to be shown on a plan with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection.
f) A recommendation for ground protection measures where scaffolding will be erected within the RPA or which will affect retained trees' canopies.
g) A recommendation for ground protection measures where cranes will be installed within the RPA or which will affect retained trees' canopies (if appropriate).
h) A specification and schedule of tree pruning work to allow the crane to operate effectively (if appropriate).
i) Recommendations for site set up (to include access, internal roads, contractor parking, on-site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste, as well as the delivery or mixing of concrete) and suitable control measures to protect the retained trees from harm from those facilities or activities.
j) Details of 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.
k) Methods to improve the rooting environment for retained and proposed trees and landscaping.

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

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

4 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.

5 With the exception of demolition works, no development shall take place until: -

1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). 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

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

1.b) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

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

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 local 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.

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

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

6 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. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for habitats, such as indirect impact to the Grand Union Canal, to be employed whilst works are taking place on site. The compound area should be allocated and illustrated in a site layout within the plan. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

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), ODPM Circular 06/2005.

7 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted

to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, tree/hedgerow planting, provision of habitat for protected/notable species. Such approved measures shall thereafter be implemented in full.

REASON: To ensure a net biodiversity gain in accordance with NPPF.

8 No development shall take place until a detailed lighting scheme 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 next to the broadleaved woodland, around the boundary edges/hedgerows, around the veteran oak tree, 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 nocturnal wildlife. This could be achieved in the following ways:

- Lighting should be directed and 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

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), ODPM Circular 06/2005.

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

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

10 No dwelling shall be occupied until the estate road [including footways] serving it has been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details 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.

11 The proposed development shall proceed in strict accordance with the noise mitigation measures contained within the Hoare Lea Baseline Noise Assessment report (Revision 1, dated 1st June 2021). Once implemented, the approved noise mitigation measures shall be retained thereafter.

REASON: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

12 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.

13 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works indicated on the approved drawings.

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.

14 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.

15 Any hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted. Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

REASON: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

16 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.

17 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.

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

Planning Committee: 12 October 2021 **Item Number: 7**

Application No: W 21 / 0675

Registration Date: 12/07/21
Town/Parish Council: Kenilworth **Expiry Date:** 06/09/21
Case Officer: Thomas Fojut
01926 456539 thomas.fojut@warwickdc.gov.uk

Abbotsfield House, 43 High Street, Kenilworth, CV8 1LY
Formation of new vehicular access to 43A High Street and erection 1.8m high ironwork fencing FOR 2C design consultants

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This application is being presented to Planning Committee as there have been more than 5 objections and Kenilworth Town Council also object to the proposal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Formation of vehicular access to 43A High Street using existing curtilage of 43 High Street together with erection of proposed ironwork fencing between the driveways.

THE SITE AND ITS LOCATION

Abbotsfield House is a three-storey detached dwelling located on the south side of High Street, Kenilworth. The property is also located within the Kenilworth Conservation Area. The existing vehicular access to the property is shared with the adjoining property at 43a. The application property is currently in the process of being converted from a commercial use to residential.

Dwellings within the street comprise of detached and terraced properties from various periods. Abbey Fields is located immediately south of the application property. The area of High Street where the application property is located is mainly residential with the east of the street comprising of a mixture of shops, offices and businesses.

PLANNING HISTORY

W/20/1108 - Prior approval for proposed change of use of building from Office use (B1a) to a single dwelling (C3) under schedule 2, Part 3, Class O of the GPDO 2015 - Prior approval granted September 2020.

W/20/1587 - Proposed erection of single storey double garage to the front of the property, Single storey extension to the side of the property, Single storey extension to the rear of the property. Reconfiguration and additional windows to

suit internal layout. Landscaping scheme including replacement of front fence to stone wall, remodelling of car park to create single driveway and lawned gardens. Remodelling of walled tiered terraced gardens to accommodate a swimming pool and gardens - Permission granted February 2021.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR1 - Access and Choice
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Kenilworth Neighbourhood Plan
- Parking Standards
- General Design Principles

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Object to the proposal as it is considered to have a detrimental impact on pedestrians, street parking and the streetscene and would also create a precedent in a sensitive area. Proposals are also considered to be contrary to Policy KP13 of the Kenilworth Neighbourhood Plan.

WCC Highways - No objection, subject to public highway footway condition.

Conservation and Design - No objection. Recommend a pre-commencement condition for large scale details of the proposed railings.

Tree Officer - Recommends that prior to the erection of the boundary fence to divide the access an arboricultural method statement in accordance with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority for the protection of the retained copper beech tree.

Public Response - 6 neighbour objections based on the following grounds:

- Parking already at a premium and proposals would make parking more difficult.
- Loss of parking for residents and visitors to the area/widening access at the expense of permit holders and visitors.
- Change in appearance to the street/out of keeping with streetscene, sets a precedence for other properties to do the same
- Only available parking for residents is on-street.
- Removal of existing spaces would increase parking problems and increase traffic and safety issues.

- Proposed driveway not necessary as existing driveway is adequate, loss of spaces completely unacceptable.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- Design and impact on the character and appearance of the area and streetscene, including the character and appearance of the conservation area
- Impact on the amenity of neighbouring uses
- Ecology
- Parking and Highway Safety

Design of the proposed extension and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 195 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

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 its environment through good layout and design.

The Conservation Officer has raised no objection to the proposal subject to a pre-commencement condition for large scale details of the proposed railings.

It is considered that the proposals are in keeping with the character and appearance of the application property and conservation area and in accordance with the NPPF and Local Plan Policies HE1 and BE1 and the corresponding policies in the Neighbourhood Plan.

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents.

6 neighbour objections have been received raising concerns about the loss of parking and the resultant impact on residential amenity:

- Parking already at a premium and proposals would make parking more difficult.
- Loss of parking for residents and visitors to the area/widening access at the expense of permit holders and visitors.
- Removal of existing spaces would increase parking problems and increase traffic and safety issues.
- Proposed driveway not necessary as existing driveway is adequate, loss of spaces completely unacceptable.

Additionally, Kenilworth Town Council have objected to the proposals as they consider the scheme to have a detrimental impact on pedestrians, street parking and the streetscene and would also create a precedent in a sensitive area.

The objection comments are noted; however, it is considered that the limited loss of on-street parking attributable to the width of the access point would not result in material harm to the living conditions of local residents by reason of parking stress such as to warrant a refusal of planning permission in this case.

The proposal is therefore considered to comply with Warwick District Local Plan Policy BE3.

Ecology

Awaiting comments. These will be presented in the update report ahead of the meeting.

Tree Officer

The Tree Officer has recommended a method statement is included for the erection of the fence. They have also recommended that prior to the erection of the boundary fence to divide the access, an Arboricultural Method Statement in accordance with BS 5837:2012, is submitted to and approved for the protection of the retained copper beech tree.

Parking and Highway Safety

The Highways Department at Warwickshire County Council have no objection to the proposals subject to a public highway footway condition being added to any approval granted and therefore the impact on highway safety is considered acceptable and the proposal accords with Policies TR1 and TR3.

Summary

The development proposals are considered to be in keeping with the character and appearance of the property and the surrounding Conservation Area. In addition, the proposals are not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to parking stress. The proposals are alo considered to have an acceptable impact on highway safety. The proposals are in

accordance with the aforementioned policies and therefore recommended for approval, subject to conditions.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2CD02014-AEND and specification contained therein, submitted on 12th July 2021 and approved drawing 2CD02014 /13 and specification contained therein, submitted on 12th April 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.

3 No development shall be carried out above slab level unless and until large scale details of the fence 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.

4 The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and to comply with Policy TR1 of the Warwick District Local Plan 2011-2029.

Planning Committee: **Item Number: 8**

Application No: W 21 / 0900

Registration Date: 10/05/21
Town/Parish Council: Leamington Spa **Expiry Date:** 05/07/21
Case Officer: Jonathan Gentry
01926 456541 jonathan.gentry@warwickdc.gov.uk

21 Montrose Avenue, Lillington, Leamington Spa, CV32 7DS
Erection of single storey outbuilding to provide gym/garden room and storage space FOR Mrs. Fairley-Dyer

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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 listed at the end of the report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a detached outbuilding within the rear garden of the property to provide a gym/ garden room and storeroom.

THE SITE AND ITS LOCATION

The application site of 21 Montrose Avenue is a typical semi-detached plot positioned to the northwest of the road. The main dwelling adjoins neighbouring No.19 to the southwest and lies adjacent to No.23 to the northeast. The application site and those adjacent along Montrose Avenue benefit from long plots that extend significantly rearwards. Similarly, Properties facing Leicester Lane beyond feature similarly proportioned garden areas.

PLANNING HISTORY

W/11/0821 - Erection of single storey side & rear extension – Refused

W/11/1521 – Erection of a single storey rear and side extension (resubmission of W/11/0821) - Granted

W/13/0241 - Two storey side and rear extension and single storey side extension with a canopy over the front porch and garage - Granted

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
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS4 - Housing Character Outside the Conservation Areas

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council - No objection.

WCC Ecological Services - Recommend advisory notes in relation to nesting birds, amphibians and hedgehogs attached to any grant of consent. Also recommend consideration of root protection areas if necessary.

Public Response - Eleven objections have been received on the following grounds:

- The application site has been used to conduct fitness classes online resulting in noise disturbance and amenity loss, the proposed structure would amplify noise generated.
- Proposed structure would be used as commercial gym/training facility, resulting in further noise disturbance.
- Structure would be excessive in size and height and would be more visible from surrounding properties.
- Structure would result in a harmful loss of light.
- Proposed structure is not in keeping/out of character with residential neighbourhood.

ASSESSMENT

Impact on the amenity of neighbouring uses

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of light or outlook.

The proposed outbuilding is positioned to the rear (northwest) edge of the application site, and as a result would sit at just under 30m from the application dwelling. As a result of its siting, the structure would not lie within 30 metres of any neighbouring dwelling. However, it would lie in close proximity to the private amenity spaces of adjacent No.19 and 23 Montrose Avenue, alongside No.12 and 14 Leicester Lane.

The proposed mono-pitch structure would span the width of the garden area, and stand at a maximum height of approximately 2.8 metres. As a result, its mass would be visible from a number of neighbouring garden areas, standing above the existing fencing/boundary treatments which divide plots. While the structure would stand in close proximity of neighbouring garden areas, it is not considered

that its proportions would result in material harm to amenity which would justify a refusal of planning permission.

There is no breach of the 45-degree line and as a result of its single storey scale and siting at the rear of the plot, the proposed outbuilding is not considered to result in material harm to amenity by reason of loss of light, outlook, or privacy to any of the neighbouring dwellings.

A number of public objection comments have been received which raise concerns in relation to previous noise disturbances originating from the application site as a result of fitness activities taking place, stating that the proposed structure would be used for commercial fitness classes, resulting in noise disturbance to the surrounding locale. The potential impacts of noise disturbance generated from a proposed development does form an aspect of amenity assessment under Local Plan Policy BE3. However, while the matters raised are noted, the application must be assessed on the basis of which it has been submitted which is as a domestic outbuilding.

Officers assess that the proposed use of the structure as outlined on the submitted details comprises a typical leisure activity which is incidental to the main dwelling. Accordingly, it is likely that a modest level of noise will be generated through typical use of the structure. Officers are also mindful that the granting of planning permission for this outbuilding would not preclude any powers under Environmental Protection Legislation relating to any potential noise disturbance that arose from the application site. Therefore, as proposed, it is considered that the development would not result in material harm to amenity through noise disturbance.

Of course, should there be a material change of use in the future this would need to be the subject of a separate planning application which would be assessed on its merits at that time.

In conclusion, it is considered that the proposed building outlined within this scheme will not result in material harm to the amenity of neighbouring properties, and it is therefore viewed that the scheme lies in accordance with Local Plan Policy BE3.

Design and impact on the street scene

Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. The adopted Residential Design Guide SPD also sets out design principles which development proposals will be expected to comply with.

As a result of its position to the very rear of the plot, the proposed outbuilding will not be readily visible within the wider street scene and would therefore have no appreciable visual impact on the character and appearance of Montrose Avenue or Leicester Lane.

As noted earlier, the building would be raised above the existing boundary treatment to neighbouring gardens and as such would be visible from surrounding sites. However, the conventional mono-pitch design and detailing of the structure

are typical of garden buildings of this type, and the development is not considered to result in an incongruous or inappropriate built form. It is not uncommon to see outbuildings in the rear gardens of neighbouring properties in this context.

Officers are also mindful that a structure of the same footprint and use could be constructed under permitted development to a height of 2.5 metres within the provisions of Schedule 2, Part 1, Class E of the General Permitted Development Order 2015 (as amended). In view of this, the modest exceedance of the standard permitted dimensions is not considered to result in an inappropriate or harmful design implication.

The structure is of a generally simple construction that is considered to adequately harmonise with the surrounding built form. The use of powder coated steel and timber cladding are considered acceptable in a garden structure of this type.

The proposed development is considered viewed to accord as necessary with Policy BE1 of the Local Plan.

Ecological Impact

The consultee Ecologist at WCC commented on the application, recommending that any vegetation that may be impacted by works is checked immediately prior to works, alongside an advisory note in relation to nesting birds being attached to any grant of consent. Similarly, advisory notes in relation to amphibians and hedgehogs are recommended. Officers agree with the noted recommendations and consider the outlined notes would ensure the applicant is aware of the relevant responsibilities in relation to protection of the noted species. While the imposition of root protection areas is suggested, no notable trees or hedgerows would be impacted by the proposed scheme as assessed to justify this measure.

The proposed development is therefore considered to appropriately accord with Local Plan Policy NE2.

Other matters

A number of public consultation responses received consider that the proposed outbuilding may be used as a commercial premises within the site for the operation of a fitness business. Officers note that the submitted householder application relates to the construction of a domestic outbuilding incidental to the use of the house. Use of the building as a commercial premises could potentially require permission if determined to be a material change of use, which would be considered on its merits at that time.

CONCLUSION

The scheme is considered acceptable, having regard to the impacts on character of the street scene, neighbouring amenity and ecology. Members are therefore recommended to grant permission, subject to conditions.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON**: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved site location plan drawing 'Garden Room Elevations, Garden Room Plan and section, Site Location Plan' submitted on the 10th May 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.

Planning Committee: 12 October 2021 **Item Number: 9**

Application No: W 21 / 0921

Registration Date: 11/05/21
Town/Parish Council: Rowington **Expiry Date:** 06/07/21
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Old Beams, Lapworth Street, Bushwood, Lowsonford, Henley-in-Arden, B95 5HJ

Variation of Condition 2 (approved drawings) of planning permission ref: W/20/0668 (Erection of new dwelling) to increase the height of the dwelling by 600mm with associated reduction in ground level of 900mm FOR Mr & Mrs Jinks

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' set out within the Planning Practice Guidance.

In deciding an application under Section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application – it is not a complete re-consideration of the application. In this case the applicant is seeking a variation to the wording of a condition through the use of a Section 73 application.

On such an application the local planning authority shall consider only the question of the condition(s) subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

This application seeks the variation of Condition 2 of planning permission W/20/0668 that relates to the approved plans. The details of the proposed

changes are to increase the overall height of the dwelling by 600mm with a reduction in land levels of 900mm to offset the dwelling height increase.

The proposal is for the erection of a 3-bedroom, two storey detached dwellinghouse on an area of land currently used for car parking associated with the existing dwelling known as Old Beams.

The dwelling is proposed to be constructed of a combination of brick and timber frame design with a gable feature to the front and two side facing gabled dormers.

The proposed dwelling is to be served by the access to the existing dwelling and this access would be shared between the properties.

THE SITE AND ITS LOCATION

The application site lies in an elevated location between two existing dwellings within the village of Lowsonford.

The character of the area is defined by well-spaced, detached dwellings of individual design. Directly opposite the site is the Grade II Listed Fleur de Lys Public House.

Lowsonford is identified within the Local Plan as a Limited Growth Village.

The site lies within the West Midlands Green Belt.

PLANNING HISTORY

W/20/0668 - Erection of new dwelling – Granted 23.10.2020

W/17/1721 – Erection of new dwelling – Granted 08.11.2017

W/17/0079 - Erection of new dwelling – Withdrawn 29.06.2017

W/12/0125 - Erection of two storey extension to side and rear – Granted 20.06.2012

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- H0 - Housing
- H1 - Directing New Housing
- H11 - Limited Village Infill Housing Development in the Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation

- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: In order to obtain the permission last year, the applicant made much effort to demonstrate that the scheme was no larger than the coach house previously approved in 2017. This increase in height and partial basement to increase useable space goes completely against the grain and the spirit in which the previous scheme was determined.

WDC Conservation Officer: No objection.

Public Response: 1 objection has been received on the following grounds:
- Approval given subject to strict conditions relating to the size of the building.
- Application is pushing these conditions over the limit and should be refused.
- Note that footings have already been installed.

ASSESSMENT

History/Background

Planning application ref: W/17/0079 was withdrawn following discussions with Officers regarding the scale and appearance of the dwelling and the detrimental visual impact on the character and setting of the Conservation Area and the nearby Listed Building, known as the Fleur de Leys Public House due to the closure of an important visual gap through the site.

The first revised application ref: W/17/1721 proposed a reduced scale of development on the site to address the previous concerns. This was granted by Planning Committee and the decision issued on 8 November 2017.

Thereafter, a revised scheme ref: W/20/0667 was submitted for a bespoke timber framed dwelling of similar proportions to the previously approved dwelling. This was granted on 23 October 2020.

The application now under consideration seeks revisions to the 2020 approved scheme to increase the height of the proposed dwelling by 600mm to provide improved internal accommodation. The increased height is offset by the reduction in the land levels of the site by 900mm resulting in a net reduction in the finished height of the dwelling on the site of 300mm. The scheme has been the subject of

negotiations between the applicants and Officers to achieve a scheme that is considered acceptable.

Principle of Development

Lowsonford is identified as a Limited Infill Village under Policy H1 of the Warwick District Local Plan. This policy allows for some development within these locations where it is acknowledged that there is potential for a small level of growth that will support the services in nearby growth villages.

The application site lies within the West Midlands Green Belt and Paragraph 89 allows for limited infilling within the Green Belt where this complies with Local Plan Policies.

Policy H11 of the Warwick Local Plan refers to limited infill housing sites within the Green Belt and allows for developments within identified Limited Infill Villages where the following criteria are met:

a) the development is for no more than two dwellings.
b) the development comprises the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built-up frontage, which is visible as part of the street scene; and
c) the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.

The proposal is for a single dwelling that is proposed to sit between existing dwellings and has a frontage addressing the road. In respect of criteria a) and b), Officers are satisfied that the development complies with Policy H11.

Subject to an acceptable assessment against criteria c), Officers are satisfied that the development complies with the limited infilling criteria defined within H11 and would be acceptable in principle.

Whether the proposal constitutes appropriate development in the Green Belt

As the site lies within the West Midlands 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. Paragraph 145 states that limited infilling in villages is appropriate development.

The proposed dwelling has been designed to be subservient in scale to the existing dwelling and the adjacent property. The dwelling would appear in the street scene as a coach house set against the side boundary of the property with a visual gap between the proposal and the host property.

In Officers opinion, the proposed dwelling would sit comfortably on the site and whilst it would create a new building on the open area of land, it would be amalgamated comfortably into the landscape and any material impact on the openness in this location would be modest.

The proposal is therefore considered to constitute appropriate development in the Green Belt which complies with Policy DS18.

Design and impact on visual amenity and the character of surrounding area and Lowsonford Conservation 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 Residential Design Guide SPD sets out steps which should be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

The distinctive built form in this location is of widely spaced detached dwellings on sizeable plots creating a sense of low-density built form that retains a spacious character of development that reflects the rural nature of the village. The existing area is an open, gravelled area used for car parking. In this respect, the character of the land is not reflective of the local street scene insofar as it does not form an integral element of the property and does not appear as a single, well-established garden area associated with the dwelling that is characteristic of the local area.

The previously approved dwelling was reduced in scale since the original submission following guidance from the Conservation Officer. That revised design sought to retain the scale of the approved dwelling with a number of enhancements to the dwelling to provide improved living accommodation as well as an improved external appearance.

A key design aspect of the approved scheme was the retention of the scale of the approved dwelling which was a simple coach house design under a gabled roof.

This current proposal seeks to amend the overall height of the building to create additional headroom at first floor level to create improved living conditions. The

overall height increase amounts to 600mm above that previously approved. To mitigate for the impact of the increased height, the site levels have been reduced by 900mm to give a net reduction of 300mm in overall height compared to the previously approved scheme.

The resultant scheme would see the dwelling set down into the site and provide further screening for the frontage parking behind the front boundary hedge to minimise their impact on the local area and conservation area.

The overall design of the building remains as approved. The frontage has been designed to replicate the openings of a coach house style building with infill glazing to retain the original plan form. This simple frontage together with the building's siting within the site creates a simple design that forms a simple appearance when viewed from the public domain.

Overall, the difference in height of the building is offset by the reduction in the land levels of the site and is considered to retain the important visual gaps that connect the Listed Public House with the wider open countryside.

Subject to the sensitive use of materials and large scale details, the proposed dwelling is considered to preserve the character of the Conservation Area in this location and is therefore accords with Policy HE1 of the Local Plan.

Impact on the character and setting of the Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 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.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

The key Listed Building is the Fleur de Leys Public House which is directly opposite the site on the other side of the public highway. The original withdrawn scheme submitted proposed a dwelling that spanned almost the entire width of the infill plot which was considered to sever an important link between the Listed Building and the wider option countryside beyond. This issue was overcome in the two subsequently approved schemes.

This current scheme follows on from the 2020 approved scheme and seeks permission for a dwelling which retains the narrower plan form and is designed to retain the appearance of a coach house style building. The key difference is the increase in overall height of the building of 600mm. However, in relation to the setting of the Listed Building, the land levels have been reduced by 900mm. This results in a net decrease of 300mm in the overall height as proposed on site. The

reduction in final height is considered to be acceptable as the key impact on the Listed Building was the diminishment of the open views to the countryside beyond the dwelling. The reduction in overall height on the site will result in a marginal improvement to the open aspect.

The important element is that the siting of the proposed dwelling to the edge of the plot retains the important visual gap within the street scene that provides an open aspect through the site that is an important element of the setting of the Listed Building. This is retained as part of this application.

The scheme as now proposed is considered to retain the importance visual gaps that form part of the historic setting of the Fleur de Leys Public House.

The scheme is therefore considered to preserve the character and setting of the Listed Building and therefore accords with Policy HE1 of Local Plan.

Impact on 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.

Whilst the proposed development is in close proximity to the neighbouring properties, the side-to-side relationship and predominantly front and rear facing windows would not have a harmful impact on the adjacent properties by virtue of overlooking. The dormer to the side faces onto the blank gable wall of the existing dwelling

The side-to-side relationship also ensures that there is no harm to neighbouring properties from an overbearing impact and no part of the proposed dwelling breaches the 45 degree line as drawn from neighbouring properties.

The proposal is therefore considered to accord with Policy BE3 of the Local Plan.

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

All primary rooms within the proposal have access to light via appropriately sized windows. In addition, the amenity space proposed is significant.

The proposal is therefore considered to accord with Policy BE3 of the Local Plan.

Parking & 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 site has an existing access to the highway that serves the current dwelling. It is proposed to retain this access and use it for access to the new dwelling. There is sufficient visibility at the access in both directions. The scheme also retains sufficient parking and turning space for both the new property and the existing dwelling on the site.

The proposal is therefore considered acceptable having regard to Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan 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.

The County Ecologist has recommended that ecological enhancements are secured to ensure no net biodiversity loss. The predominant area of the land is currently hardstanding, so the biodiversity is limited. The proposal would provide an enhanced level of landscaping and additional planting that Officers are satisfied would result in a biodiversity net gain.

The proposal is therefore considered acceptable having regard to Policy NE3.

Trees/Hedgerows

The current site is an open area of hardstanding. I therefore consider that the proposed development can be satisfactorily provided on the plot without harm to the existing boundary hedges and trees. The provision of a landscaping scheme would also increase the potential for new trees and hedgerows leading to a net gain in biodiversity.

Archaeology

The proposed development lies within an area of significant archaeological potential within an area probable medieval roadside settlement which lies of the eastern edge former Common Land at Bushwood (Warwickshire Historic Environment Record MWA9455) which was in use as such during the medieval to post-medieval periods. The proposed development is located directly opposite the Grade II Listed Fleur de Leys Public House, a 15th century timber framed building with later additions. The site also lies adjacent to a former smithy, known as Old Beams, which is shown on an 1847 tithe map for the Parish of Rowington. There is therefore a potential for archaeological deposits associated with activity from at least the medieval period and later to survive across this area. Any such deposits may be disturbed by the proposed development. The County Archaeologist has therefore recommended that Archaeological works are secured by condition.

Waste Storage

Adequate space is available within the site for storage of bins and the site would be subject to the normal kerbside collection.

Conclusion

Officers have considered the proposed development against the policies of the Warwick District Local Plan. Having assessed the site-specific details of the proposal, Officers are satisfied that the scheme complies with Policy H11 of the Warwick Location Plan, specifically criterion c) which seeks to ensure that the site does not harm the integrity of the village where it's loss would have a harmful impact upon the local character and distinctiveness of the area.

The scheme is considered acceptable having regard to the impact on the character of the local area and Lowsonford Conservation Area, the impact on the setting of nearby Listed Buildings, the impact on the amenity of neighbouring properties and the impact on highway safety. The proposal is considered to constitute appropriate development in the Green Belt. Officers are also satisfied that the scheme would not result in harm to protected species.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from 23 October 2020 (the date of planning permission W/20/0668). **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 19-194.JIN-01 Rev C, 19-194.JIN-02 Rev C, 19-194.JIN-03 Rev C, , 19-194.JIN-04/1 Rev C, 19-194.JIN-05 Rev C, and specification contained therein, submitted on 25 August 2020 and approved drawings 19-194.JIN-04/0 Rev D, 19-194.JIN-06 Rev D, 19-194.JIN-07 Rev D and 19-194.JIN-08 Rev C and specification contained therein, submitted on 11 May 2021. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3 and HE1 of the Warwick District Local Plan 2011-2029.

3 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **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.

4 The development hereby permitted shall be carried out strictly in accordance with the details of existing and proposed site levels on the application site as set out on drawing reference JIN-2265_BR 03 submitted to the Local Planning Authority on 10 May 2021. **Reason**: To ensure 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.

5 The development hereby permitted shall be carried out strictly in accordance with the approved Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work together with the associated Archaeological Mitigation Strategy document. Following these works, a report detailing the results of the fieldwork shall be thereafter deposited to the archaeological archive. The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents. **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.

6 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

7 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods 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.

8 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until tree and hedge protection in accordance with British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Lowsonford Conservation Area has been provided on site and shall be retained for the duration of the development. In addition, no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason**: To protect those

trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE1 of the Warwick District Local Plan 2011-2029.

9 No development above slab level shall commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason**: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

10 The existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for the first 5 metres of its length. **Reason:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029.

11 The development shall not be occupied until a turning area has been provided within the site so as to enable a car to leave and re-enter the public highway in a forward gear and thereafter shall be retained in perpetuity. **Reason:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029.

12 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.

13 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.

14 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.

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 further development shall take place within the curtilage of the dwellinghouse hereby permitted. **Reason**: That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties.

Planning Committee: 12 October 2021 **Item Number:** 10

Application No: TPO 570

Town/Parish Council: Leamington Spa
Case Officer: Gary Fisher

Land between 8 and 10 Jasmine Grove,
Leamington Spa CV32 5FP
Confirmation of Provisional Tree Preservation Order relating to an Ash Tree

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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 570.

BACKGROUND

In July the Council became aware on of an interest to remove the attractive immature ash tree on the open land between the two dwellings at 8 and 10 Jasmine Grove; following an exchange of correspondence and a site visit the tree was made subject of an Order.

The proposed removal was considered to be unacceptable as it would remove an attractive tree from the locality and so have a negative impact upon the visual amenity of the immediate neighbourhood; because of the tree's location it is readily visible from both the public realm and private properties.

ASSESSMENT

The immature ash tree is a very large and attractive specimen of reasonable vigour, of good overall form and structure. The tree's location, scale and mass means that it is readily visible as a feature in the landscape from a wide range of public viewpoints, and the tree has presence as well as a significant local amenity impact. The tree appears to be in good overall health with a retention span of in excess of 40 years.

The Council's Arboricultural Consultant assessed the tree for its TPO quality using the nationally recognised TEMPO method of assessment. The ash tree scored 17; 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 1 objection to the making of the Order, from the owner of the land and the property at 10 Jasmine Grove. In summary the objections are:

1. the tree was not under threat, and
2. the need for on-going maintenance

KEY ISSUES

The key issues to be addressed in deciding whether or not 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 in order to protect the amenity value that it provides.

In response to the objections raised:

1. If there is no threat to the tree from the current owner then the serving of the Order will not be an inconvenience, but the Order would be in place if ownership were to change in the future.
2. The Order does not remove the responsibility of the tree owner to maintain the tree at their own expense.

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 ash tree makes to the surrounding area and therefore it is expedient to confirm this TPO.