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