Planning Committee

Minutes of the meeting held on Tuesday 17 August 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Legal Advisor – Samantha Amphlett; Principal Committee Services Officer – Lesley Dury, Principal Planning Officer – Helena Obremski (attended remotely) and Business Manager, Development Management – Rob Young.

71. **Apologies and Substitutes**

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

72. **Declarations of Interest**

Minute Number 75 – W/21/0485 – Victoria Park, Archery Road, Royal Leamington Spa

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

Minute Number 76 – W/21/0179 – Former Mothercare, Royal Leamington Spa Shopping Park, Tachbrook Park Drive, Warwick

Councillor Falp declared an interest during discussions of the application because she was a Warwickshire County Council Councillor.

Minute Number 77 – 30 Palmer Road, Whitnash

Councillor Falp declared an interest because she would be addressing the Committee as Ward Member. She would not participate in discussions or decision on this application.

73. **Site Visits**

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

W/21/0179 – Former Mothercare, Royal Leamington Spa Shopping Park, Tachbrook Park Drive, Warwick: Councillors Jacques, Kennedy and Leigh-Hunt.

W/21/0485 – Victoria Park, Archery Road, Royal Leamington Spa: Councillor Jacques.

W/21/1078 – 30 Palmer Road, Whitnash: Councillor Dickson, Falp and Jacques.

74. **Minutes**

The minutes of the meetings held on 24 June, 20 July and 21 July 2021 were taken as read and signed by the Chairman as a correct record, subject to an amendment to minute number 47, 20 July 2021, with the deletion of the words "There were no declarations of interest".

75. **W/21/0485 – Victoria Park, Archery Road, Royal Leamington Spa**

The Committee considered an application, from Birmingham Organising Committee for the 2022 Commonwealth Games Limited, for temporary use of an area of Leamington Spa Victoria Park for the purposes of hosting the Lawn Bowls event for the Birmingham 2022 Commonwealth Games; erection of temporary structures including four spectator stands, operational/media compounds, media/broadcast centre, spectator arrival points, and video screens and security fencing to the site boundary.

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

The officer was of the opinion that the temporary use of part of Victoria Park to host the Lawn Bowls event for the Birmingham 2022 Commonwealth Games was considered to represent a unique opportunity to deliver significant economic and social benefits for the local community and District. Subject to the conditions listed within the report, the proposal was considered to have an acceptable impact on neighbouring amenity, heritage assets, parking, trees and ecology. It was therefore recommended that the application should be approved.

An addendum circulated at the meeting provided additional clarification in respect of parking arrangements and access to the park. Details of two further objections received to the proposals were outlined, one of which was from Friends of Victoria Park. Changes to Conditions 3, 9 and 15 were advised and Warwickshire County Council Highways and Warwickshire County Council Legal Services had recommended that three further conditions be applied.

The following people addressed the Committee:

- Mr Adams, objector;
- Mr Rosillo, speaking on behalf of the Applicant; and
- Councillor Nicholls, Ward Councillor, objecting.

Members raised concerns that there were still a large number of issues that remained unresolved and asked whether these could be brought together in one Condition making permission dependent on full details being given for these issues. The Legal Advisor advised Members that such a Condition would be difficult to justify because the way in which the existing Conditions had been worded secured the additional confirmation required that full details would have to be supplied and approved prior to commencement. Therefore, the Committee were of the view that a Note to the Applicant should be added to the decision with a request that the Applicant, and Council, continued to engage with residents as more details became known and that the timescales that the Friends of Victoria Park had

put forward in the letter received by the Council that day be taken into account.

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

The Committee therefore

Resolved that application W/21/0485

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

No.	Condition
(1)	permission is granted for the temporary use and ancillary structures/infrastructure as detailed within the approved documents between 1st June 2022 and 31st August 2022. After this time, the use hereby permitted shall be discontinued and its associated ancillary works and structures removed from the application site and the land upon which the use occurred shall be restored in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the discontinuance of the use and which shall then be implemented in accordance with the approved restoration scheme. **Reason:** The approved use of the site and associated works would have a harmful impact on heritage assets and visual amenity if retained longer than the approved temporary period;
(2)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings VIC LBO 930, VIC LBO 931, VIC LBO 932, VIC LBO 933, VIC LBO 934, and VIC LBO 935, and specification contained therein, submitted on 15th 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;

No.	Condition
(3)	no works of construction or decommissioning shall be undertaken unless and until a phased construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of the timing of the phasing of the construction or decommissioning phases and details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic 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 District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected and notable species, such as reptiles, bats, nesting birds and hedgehogs and appropriate working practices and safeguards for wildlife 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.

No.	Condition
	Reason: To ensure that protected species are not harmed by the development;
(5)	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 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;
(6)	prior to the commencement of the development hereby approved (including all demolition and all preparatory work), the specification and alignment of all the ground protection measures required to prevent any damage to the assets within the Park shall be submitted to and agreed by the Local Planning Authority. 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)	no development shall commence unless and until detailed drawings of all of the temporary infrastructure required, including, but not limited to: temporary seating, tents, cabins, video screen,

No.	Condition
	staging, power, fencing, flooring, lighting and signage, and their locations 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 that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
(8)	the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. 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;
(9)	between the hours of 19:30 - 08:00 inclusive, 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

No.	Condition
	the Warwick District Local Plan 2011-2029;
(10)	the use of the site permitted by this permission shall not be undertaken until a Noise Management Plan relating to the activities to be carried out pursuant to this planning permission has been submitted to and approved in writing by the District Planning Authority. Upon receipt of the written approval, the agreed Noise Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. **Reason:** To ensure that the level of noise as a result of the approved use is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(11)	no lighting or illumination of any part of any buildings or the site shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(12)	public access to Victoria Park shall be maintained at all times, with the exception of public access to the area contained within the 'security boundary' as shown on approved drawing VIC LBO 930 submitted on 15th March 2021. Restricted public access within the 'security boundary' area shall be kept to the minimum length possible to

No.	Condition
	facilitate the Commonwealth Games. **Reason:** To ensure the disruption and limited access to areas of public open space are kept to a minimum;
(13)	ground floor levels of any buildings should be a minimum of 300 millimetres (mm) above the general ground level of the site. **Reason:** In the interests of reducing occupant's risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;
(14)	a flood evacuation plan must be provided to users of the site and the site should be registered with the Environment Agency to receive flood warnings to ensure immediate action can be taken in the event of a flood, here https://www.gov.uk/sign-up-for-flood-warnings. **Reason:** In the interests of reducing occupant's risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;
(15)	all hardstanding to be installed at the site shall be made of porous materials, or prior to the installation of any hardstanding which is to be impermeable, a surface water drainage strategy containing the following information shall be provided and agreed in writing by the Local Planning Authority: • 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 up to and including the 1 in 5-year return period plus an appropriate allowance for climate change considering lifespan of the

No.	Condition
	development. • Evidence that the proposed discharge, generated by all rainfall events up to and including the 1 in 5-year return period plus climate change, has been limited /to QBAR / as far as reasonably practicable. • Where discharging to the existing on site 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 increased discharge to their system should be presented for consideration. • Demonstrate the proposed allowance for exceedance flow and associated overland flow routing. • Construction surface water management plan. The development shall be carried out in strict accordance with the approved details. **Reason:** In the interests of preventing increased risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;
(16)	commencement shall not take place until full details of the parking strategy and provision associated with the proposed temporary use have been submitted to and approved in writing by the local planning authority and implemented in full accordance with the approved strategy. The strategy shall include full details identifying the areas where parking is to be located, the number of spaces for all elements associated with the temporary use (displacement resident parking (for Archery Road Victoria Street and Victoria Road), visitors, competitors, competitor families, CWG organisers, media and all other ancillary),

No.	Condition
	identification of the location of the car parking spaces, including parking spaces for people with disabilities;
(17)	prior to commencement, a plan setting out the points of access to be used for all associated construction vehicles for the commission/de-commissioning of the associated infrastructure for the temporary use shall be submitted to and approved in writing by the local planning authority. This shall include areas for parking, manoeuvring, loading and unloading, including swept path analysis of vehicles accessing/egressing to/from the vehicular access and internal area. The area shall be provided in accordance with the approved details and shall thereafter be retained solely for the temporary use for the agreed duration;
(18)	prior to commencement, a scheme for the Traffic Management of the event including temporary route signing of the event for all associated traffic (non-event traffic including pedestrians and cyclists, event visitors-arriving by both car and public transport, competitors, competitors' families, organisers, construction traffic, etc), traffic regulation orders (TROs) and associated highway improvements shall be submitted to and approved in writing by the local planning authority. These shall remain in place for the agreed duration of the event, including commission/de-commission of associated infrastructure; and
(2)	a note be issued to the applicant that they, and Council, should continue to engage with the residents providing updated information on the delivery of the development to ensure that the residents are actively involved in the process, and to take into account the timescales tabled by Friends of Victoria Park within the letter received by the Council on 17 August 2021.

76. **W/21/0179 – Former Mothercare, Royal Leamington Spa Shopping Park, Tachbrook Park Drive, Warwick**

The Committee considered an application from Aldi Stores Limited for the demolition of an existing building and erection of a food retail store (Class E (a)) with associated car parking, servicing and landscaping, off Tachbrook Park Drive.

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

The officer was of the opinion that, subject to a satisfactory legal agreement which the applicant had confirmed that they were prepared to enter into, the development was considered to provide an enhancement to the street scene and would deliver suitable parking arrangements. The development would have an acceptable impact on the highways network and ecology and would not cause harm to neighbouring amenity. The proposal was therefore recommended for approval.

An addendum circulated at the meeting advised that Warwickshire County Council Legal Services had confirmed the detailed wording of the legal agreement restricting the use of the "existing Aldi" site as follows:

The legal agreement contained an obligation not to use the existing site for retail uses falling within class E (a) of the TCPA 1990 (which was display or retail sale of goods other than hot food).

It also stated that prior to any re-occupation of the existing site the owner had to obtain any necessary consents. This had been drafted on the basis that Aldi would move out to their new store and then Aldi or any new owner would need to make an application for planning permission for the existing store for retail use.

The legal agreement had been worded in this way to ensure that any new retail occupier would need planning permission before commencing use. This was required so that the parking provision could be assessed when a new occupier came forward.

The addendum advised of changes to Conditions 5, 6, and 8 and an additional Condition in respect of car parking. The Warwickshire County Councillor, Councillor Chilvers had submitted comments on the proposals and the details of these were included in the Addendum together with the response from Planning Officers to these.

The following people addressed the Committee:

- Mr Lever, objecting; and
- Mr Latchem, speaking in support.

Members were mindful that the parking issues at the current Aldi site were causing delays along Queensway with vehicles finding a place to park. The Principal Planning Officer informed them that the proposals were a 55% increase on current parking provision and whilst not the required number of spaces if assessed by the Council's Vehicle Parking standards, this had been assessed by Warwickshire County Council as sufficient following the survey

it had conducted. She reminded Members that the Council's standards were guidance. Members were also informed that the third cycle route WCC 3 was not considered a necessary requirement, by Warwickshire County Council, for these proposals to proceed; it was desirable. She was confident that the cycle route would eventually be provided but not as part of the S106 agreement that would be part of this application.

When the Principal Planning Officer referred to advice received from Warwickshire county Council Highways 5 August, Councillor Morris made the point that on the Planning Portal for this application, there had been no new information loaded onto it between 24 July up until 9 August. Councillor Boad was asked to contact the relevant Portfolio Holder to ensure that the relevant information on applications was loaded in a timely manner on the Planning Portal because Councillors referred to this and for the Public, it was their main source of information.

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

The Committee therefore

Resolved that W/21/0179 be **granted** subject to

(1) a satisfactory legal agreement being agreed to secure a financial contribution for cycle infrastructure improvements and securing the use of the neighbouring "Aldi" site to a non-food retail unit.

Authority is delegated to the Head of Development Services in liaison with the Chair of Planning Committee to finalise the terms of the legal agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

(2) 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:

No.	Condition
	H20A40-P010 (floor plan), H20A40-P011 (roof plan), H20A40-P021 (elevations), H20A40-P030 (sections), H20A40-P040 (visuals), MEL-467-001-P3 (soft landscaping scheme), submitted on 29th January 2021, and H20A40-P003 (site plan), submitted on 25th March 2021, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(3)	the development hereby permitted shall not commence unless and until tree protection measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of demolition and construction works. The proposals must refer to all the trees within the site as well as those highway trees on the approach that may be affected by the proposed demolition and re-development, and must include: (a) an arboricultural method statement and tree protection plan in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, Clause 7 in particular; and (b) 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. **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

No.	Condition
	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)	no development, other than works of demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall: • Demonstrate that the surface water drainage system(s) are designed in

No.	Condition

accordance with 'The SuDS Manual', CIRIA Report C753.

- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- If discharging to a drainage system maintained/operated by 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;

(6) no development shall be carried out above slab level unless and until a hard landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within

No.	Condition
	three months of the first occupation of the development hereby permitted. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
(7)	the development hereby permitted shall not be commenced unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. A Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority within 3 months of first occupation. **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;
(8)	prior to commencement of development, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include: • How the development will reduce carbon emissions and utilise renewable energy. • 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.

No.	Condition
	• How proposals will de-carbonise major development. • Details of the building envelope (including U/R values and air tightness). • How the proposed materials respond in terms of embodied carbon. • Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised. • How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading. The development shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2021);
(9)	prior to the occupation of the development hereby permitted, the air quality mitigation measures outlined within the BWB technical note (Ref. ALS-BWB-VUT-ZZ-RP-G-0001_TN, Rev 2, dated 8th June 2021) shall be implemented in full. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;
(10)	within twelve months of the first occupation of the development hereby permitted, the

No.	Condition
	applicant shall submit a Travel Plan to promote sustainable transport choices to the site for approval by the local planning authority in writing. The measures (and any variations) approved shall continue to be implemented at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;
(11)	no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2100 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(12)	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;
(13)	the use of the lighting for the approved development shall be carried out and operated only in full accordance with the external lighting report and specification document prepared by Building Management Technology (Ref. B3621 (79_E1461), Issue A, dated 11th January

No.	Condition
	2021) and lux plot drawing (Drawing No. 79_E1461-BMT-XX-XX-DR-E-0105-A3-P01). **Reason:** To ensure that any lighting is operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(14)	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;
(15)	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;
(16)	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

No.	Condition
	2011-2029;
(17)	in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;
(18)	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 from fire and the protection of Emergency Fire Fighters;
(19)	the development hereby permitted shall be carried out in strict accordance with the approved soft landscaping scheme. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British

No.	Condition
	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;
(20)	the development hereby permitted shall be carried out to wholly accord with the detailed mitigation and enhancement measures as set out in the document 'Ecological Mitigation Strategy' (Revision B) prepared by Middlemarch Environmental Ltd. **Reason:** To ensure that protected species are not harmed by the development in accordance with the requirements of policy NE2 of Warwick District Local Plan 2011 - 2029. In order to discharge the condition above, a brief report from an ecologist following the bat and bird box installation must be submitted to and approved by the Local Planning Authority (with advice from WCC Ecological Services);
(21)	the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas, and cycle parking areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029; and
(3)	should a satisfactory Section 106 Agreement not have been completed by 14 September 2021, authority is delegated 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.

77. W/21/1078 – 30 Palmer Road, Whitnash

The Committee considered a partially retrospective application from Mr Burford for the erection of a first-floor side extension, a single storey rear extension and porch.

The application was presented to Committee because of the number of comments of support received when it was recommended that the application should be refused, and the application had been requested to be presented to the Committee by Councillor Falp.

The officer was of the opinion that the proposed first floor side extension formed an incongruous structure within the street scene that does not harmonise with the built form of its surroundings, and harmfully reduces the open nature of the corner plot location. It is therefore recommended that planning consent is refused in this instance

An addendum circulated at the meeting advised that the recommended reason for refusal given in the report has been revised to reflect the July 2021 update to the National planning Policy Framework, with particular regard to paragraph 134 and the weight afforded to high quality design.

The following people addressed the Committee:

- Mr Burford , speaking in support; and
- Councillor Falp, District Councillor, speaking in support.

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

The Committee therefore

Resolved that W/21/1078 be **refused** because Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. The Whitnash Neighbourhood Plan includes similar provisions. Paragraph 134 of the NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area, especially where it fails to reflect local design guidance and supplementary planning documents. The Council has also adopted the Residential Design Guide as a Supplementary Planning Document, which includes provisions in relation to the width of side extensions and retaining the openness of corner plot sites.

In the opinion of the Local Planning Authority the proposed first floor side extension constitutes an incongruous feature in the street scene. As a result of

both its scale, bulk, mass and siting within a prominent corner plot, the proposal would not be a subservient addition and would harmfully reduce the openness of this corner plot and compromise the building line along Palmer Road, thereby constituting bad design and harming the character and appearance of the street scene. The proposal would fail to reinforce the established character of the area, or respect surrounding buildings in terms of scale, height, form, and massing.

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

(The meeting ended at 8.10pm)

CHAIRMAN
14 September 2021