Planning Committee

Minutes of the meeting held on Tuesday 22 June 2021 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors Ashford, Cullinan, R. Dickson, Heath, Jacques, Kennedy, Leigh-Hunt, Morris, and Murphy.

Also Present: Principal Committee Services Officer – Lesley Dury; Legal Advisor – Max Howarth; Manager – Development Services – Gary Fisher; and Principal Planning Officer – Dan Charles.

22. **Apologies and Substitutes**

(a) Apologies were received from Councillor Tangri; and

(b) there were no substitutions.

23. **Declarations of Interest**

There were no declarations of interest made.

24. **Site Visits**

Councillor Jacques made independent site visits to the following application sites:

- W/20/1606 – Falstaff Hotel, 16-20 Warwick New Road, Royal Leamington Spa
- W/20/2126 – 27 Eastfield Road, Royal Leamington Spa
- W/21/0075 - Newark House, 17 Newbold Terrace, Royal Leamington Spa

25. **Minutes**

The minutes of the meeting held on 18 May 2021 were taken as read and signed by the Chairman as a correct record.

26. **W/20/1887 – 3 Wise Terrace, Royal Leamington Spa**

The application was withdrawn from the agenda to enable further publicity to be undertaken.

27. **W/20/1606 – Falstaff Hotel, 16-20 Warwick New Road, Royal Leamington Spa**

The Committee considered an application from Turnbrook Limited for the patrial demolition and internal and external alterations to facilitate the conversion of an existing hotel to 27 residential apartments, together with associated car parking and landscaping works.

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

It was considered that the principle of development was acceptable having regard to Policy H1 of the Local Plan.

The Viability Assessment had been scrutinised by an independent specialist who had confirmed that the scheme would not be viable with Section 106 contributions and affordable housing requirements and officers with this conclusion and therefore, no Section 106 agreement was proposed.

The development was considered to have a positive impact in terms of design and impact on the Conservation Area. Officers were satisfied that the development would have acceptable standards of amenity for existing properties, as well as future occupants.

Matters relating to Highway Safety, Ecology and Drainage could be mitigated through appropriate conditions. Therefore, officers recommended that the application should be granted.

An addendum circulated prior to the meeting advised of the following revisions to the wording of conditions:

- Condition 5 to be reworded for "*Prior to any undertaking any external hard or soft landscaping works…"*
- Condition 8 to relate to just foul water and not surface water as written.
- Condition 9 to be reworded to "*Prior to installation, details of any external lighting to be submitted and approved*…".

A request had been made for a Viability Assessment, but the information was commercially sensitive information so therefore it would not be published on the website.

Following consideration of the report presentation, and information contained in the addendum it was proposed by Councillor Jacques and seconded by Councillor Dickson that the application should be granted, subject to an additional condition for the submission of a scheme to demonstrate how thermal efficiency standards would be met to conform with Local Plan Policy CC1.

The Committee therefore

Resolved that W/20/1606 be **granted**, in accordance 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);

No.	Condition
(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) 3631-111G, 3631-112B, 3631-113E, 3631-114G, 3631-115F, 3631-119E, 3631-120B, 3631-121, 3631-122A, 3631-125B, 3631-127B, 3631-132A, 3631-133A, 3631-134A, 3631-135A, 3631-136A, 3631-137A, 3631-138A and 3631-139A, and specification contained therein, submitted on 7 October 2020 and approved drawing(s) 3631-116F and 3631-126C, and specification contained therein, submitted on 8 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;
(3)	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 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: • limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rainstorm to the runoff rate of maximum 20 l/s for the site; • provide cross sections of any SuDs features, including permeable paving, showing design in accordance with the with the CIRIA SuDS Manual C753; • provide plans and more details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event. Please provide curb heights of footpaths and roads, as it appears that the current overland flow routing paths would direct water down

No.	Condition

the steps and therefore into the property;

- provide evidence to show an agreement (S106) from Severn Trent Water to show they have adopted the new network.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

(4) the development hereby permitted shall not commence unless and until tree protection/mitigation measures have been submitted to and approved in writing by the LPA and the approved measures have been put in place. The approved measures must remain in place for the duration of the works. The measures are to be submitted for all of the trees within the site as well as the highway trees 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;

(5) Prior to any undertaking any external hard or soft landscaping works a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority.

No.	Condition
	Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary wall to Warwick Place, 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. The soft landscaping details shall include details of all proposed planting works including species names, mix and planting densities. 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;
(6)	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

No.	Condition

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;

(7) 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; and
- the development of a method statement detailing the remediation requirements.

No.	Condition
	(2) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken;
	(3) All development of the site shall accord with the approved method statement;
	(4) 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; and
	(5) 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;
(8)	the development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no

No.	Condition
	watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. **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 and FW2 of the Warwick District Local Plan 2011-2029;
(9)	Prior to the installation of any external lighting, details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted at the north and south of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. 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; and • Connections to areas important for foraging should contain unlit stretches. **Reason:** In accordance with NPPF, ODPM Circular 2005/06;

No.	Condition
(10)	the development hereby permitted shall not commence until a scheme for biodiversity enhancements has been submitted and approved in writing by the Local Planning Authority. The scheme should include details of timings, specifications for bat and bird boxes, native, fruit bearing or nectar-bearing tree and shrub species planting and access gaps for hedgehogs in any new fences. The development shall be carried out in full compliance with the approved details. Reason: In accordance with NPPF, ODPM Circular 2005/06;
(11)	no development shall be carried out above slab level unless and until samples of the external facing materials (to include the paint colour of the facades) 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;
(12)	no development shall be carried out above slab level unless and until large scale details of fencing, railings, 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;

No.	Condition
(13)	All window and door frames shall be constructed in timber and shall be painted and not stained. **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;
(14)	All rainwater goods for the development hereby permitted shall be metal. **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;
(15)	no occupation and subsequent use of the development shall take place until a detailed Maintenance Plan, written in accordance with CIRIA C753, 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 and LLFA within the maintenance plan. **Reason:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;
(16)	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

No.	Condition
	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;
(17)	the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to features suitable to be occupied by bats of the building to be affected. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason**: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;
(18)	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

No.	Condition
	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;
(19)	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-streetcar 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;
(20)	the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans, and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development. **Reason:** To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; and
(21)	an additional condition for the submission of a scheme to demonstrate how thermal efficiency standards would be met to conform with Local Plan Policy CC1.

28. **W/20/2126 – 27 Eastfield Road, Royal Leamington Spa**

The Committee considered an application from Mrs Darling for the demolition of an existing dwelling house and the erection of a replacement dwelling house, together with associated hard and soft landscaping works.

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

It was considered that the principle of development was acceptable for the erection of a one for one replacement dwelling within the urban boundary of Royal Leamington Spa.

The design and appearance of the dwelling was considered to have an acceptable impact on the character and appearance of the local area and Royal Leamington Spa Conservation Area. There was no impact on highway safety or ecological features as a result of the development and details could be controlled by appropriate conditions.

The impact on the amenity of neighbouring properties had been assessed, taking into consideration the comments received from third parties and officers are satisfied that the proposal was acceptable.

Therefore, subject to the conditions identified within the report, it was recommended that the application should be approved.

Additional photographs had been sent in to support the application.

Councillor Heath noted that the information about the trees to be removed was at odds with the information in the report which stated that only one tree was to be removed. The Planning Officer confirmed that the report was incorrect and a small group of trees was to be removed. Members requested that Condition 5 should be amended to ensure that there was no net loss of trees on the site.

An addendum circulated prior to the meeting advised Members of a letter received from a neighbouring property, submitted on behalf of existing objectors. The letter raised concerns about the access to the rear of the properties at Newbold Terrace East, the access to Eastfield Road, the scale of the property if the application was approved, the loss of established trees and screening, and the overlooking of a full height first floor window on the landing which would provide a view directly into the garden, ground floor and bedroom of 40 Newbold Terrace East, and the ground floor apartment kitchen and first floor apartment bedroom of 39 Newbold Terrace East.

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

The Committee therefore

Resolved that W/20/2126 be **granted**. Prior to issuing the decision, officers are to liaise with the Council's Waste Management Team to clarify the waste storage / refuse collection proposals and update the Chairman on the outcome of those discussions, including the need for a further condition in that respect.

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 drawing(s) 235-090 Rev B, 235-091 Rev A, 235-092 Rev A, 235-095 Rev A, 235-096 Rev A, 235-097, 235-098 and 235-099, and specification contained therein, submitted on 21 December 2020. **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 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 Policies BE1 and HE1 of the Warwick District Local Plan 2011-2029;
(4)	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

No.	Condition
	of the Warwick District Local Plan 2011-2029;
(5)	prior to the first occupation of the development hereby permitted, details of at least one appropriate replacement tree species for each tree removed as a result of the development shall be submitted to and approved in writing by the Local Planning Authority to mitigate for the loss of the tree to be removed as part of the development and the location shall be identified on a layout plan. Thereafter, the tree shall be planted within the first planting season following the first occupation of the dwelling. Should the tree) fail within the first five years after planting, they shall be replaced with an equivalent species. **Reason**: To protect and enhance the amenity of the area and in the interests of Biodiversity;
(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. The dwelling shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **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)	a condition for obscured glazing of the proposed full height window facing south to ensure privacy in neighbouring gardens;
(8)	a condition to secure details of the green roof, including access for maintenance and a management plans; and
(9)	a condition for a construction management plan identifying how the building will be

No.	Condition
	constructed without causing harm to properties and loss of access.

29. **W/21/0075 – Newark House, 17 Newbold Terrace, Royal Leamington Spa**

The Committee considered an application from Mr and Mrs Stokes for the erection of a proposed single storey rear and side extension and the erection of a proposed single storey front garage extension.

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

The officer was of the opinion that the development proposals were in keeping with the character and appearance of the property and the surrounding Conservation Area. In addition, the proposals were not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to outlook and amenity. The proposals were in accordance with the aforementioned policies and it was therefore recommended for approval.

An addendum circulated prior to the meeting advised Members of a further comment received concerning the perceived loss of privacy and overlooking with the first-floor rear garage window.

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

The Committee therefore

Resolved that W/21/0075 be **granted**, subject to the below 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 drawing(s) 1525-0500-04 and specification contained therein, submitted on 15th January 2021. Approved drawing(s) 1525-0501-08 and specification contained therein, submitted on 7th June 2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in

No.	Condition
	accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(3)	all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029; and
(4)	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 (apart from any shown on the approved drawings) shall be formed in the north facing elevation of the first floor rear garage 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.

(The meeting ended at 7.34pm)

CHAIRMAN
20 July 2021