Planning Committee

Minutes of the meeting held on Tuesday 20 July 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Principal Committee Services Officer – Lesley Dury; Legal Advisor – Caroline Gutteridge; Manager, Development Services – Gary Fisher; and Business Manager – Development Management – Sandip Sahota.

(The meeting was adjourned at 6.04pm for 21 minutes because of technical issues with the PA system and the YouTube feed. At 6.25pm, the meeting re-commenced from the start of the agenda again but without the YouTube feed because this was still not working.)

The YouTube feed was re-established at 8.15pm following a short adjournment, but without the facility to stream the planning presentations to YouTube, although these could be seen by people at the meeting.)

Councillor Morris explained that in the absence of Councillor Boad, he would chair the meeting as the Committee's elected Vice Chairman.

46. **Apologies and Substitutes**

(a) there were no apologies for absence made; and.

(b) Councillor Milton substituted for Councillor Boad.

47. **Declarations of Interest**

Minute Number 51 – W/20/1887 – 3 Wise Terrace, Royal Leamington Spa and Minute Number 57 – W/20/2144 – 24 Kenilworth Road, Royal Leamington Spa

The Chairman explained that all Councillors had received individual emails in respect of these two applications but none of the Councillors had entered into discussions with the senders on the applications.

Minute Number 5 – W/21/0332 – 7 Cape Road, The Cape, Warwick

Councillor Morris declared a pecuniary interest because he owned the property. He would leave the meeting when this application was considered.

48. **Site Visits**

The following sites were visited by Councillors independently:

W/20/1887 – 3 Wise Terrace, Royal Leamington Spa – visited by Councillors Cullinan, Dickson and Jacques.

W/20/0808 – Land North of Rosswood Farm, Coventry Road, Baginton – visited by Councillor Dickson.

W/20/2121 – 47 Kingsway, Royal Leamington Spa – visited by Councillor Cullinan.

W/20/2144 – 24 Kenilworth Road, Royal Leamington Spa – visited by Councillor Jacques.

W/21/0368 – 21 Vine Lane, Warwick – visited by Councillor Jacques.

49. **Minutes**

The minutes of the meetings held on 19 May 2021, 20 May 2021, 22 June 2021 and 23 June 2021 were taken as read and signed by the Chairman as a correct record.

Councillor Ashford made a statement in respect of the minutes 19 May 2021 in relation to W/21/0590 – Land South of Chesterton Gardens, Royal Leamington Spa. When the motion was put to the vote, he had misunderstood the proposal and as a result, he had voted incorrectly. He wished to set the record straight that he was in favour of the application and not in favour of the proposal to refuse the application.

50. **W/21/0368 – 21 Vine Lane, Warwick**

This application was withdrawn from the agenda because it would be determined under delegated powers.

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

The Committee considered an application from Cancilla Construction Limited for the demolition of two houses of multiple occupancy and construction of a five-storey purpose-built student accommodation consisting of 17 apartments totalling 54 bed spaces and associated external works.

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

The officer was of the opinion that the proposed development was considered acceptable in principle as it met the exceptions set out within Policy H6 of the Local Plan.

The scheme was considered to have a positive impact on the Canal Conservation Area by providing a high-quality building that reflected the canal's industrial heritage.

Site specific matters could be adequately dealt with by condition and the requirement for a Section 106 Agreement to secure off-site contributions would ensure that local infrastructure was improved to take into account the potential for increased use as a result of the development.

On the basis of the above, it was therefore recommended that the application should be approved.

An addendum circulated at the meeting advised that officers had assessed the application based on it being located within the Canal Conservation Area. Seven additional letters of objection had been received listing various comments against the application. One further letter of support had been received.

A letter was circulated to all Members of the Committee on 15 July, which raised the following points:

- concentration far above policy limits approved in the Local Plan;
- Appeal against W/17/1614 relied on a 'slice and dice' approach and extended the mixed use beyond main thoroughfares, an approach rejected by Councillors;
- Appeal against W/17/1218 had a similar 'slice and dice' approach to H6 and the Inspector based his decision to overturn the refusal on the assertion that HMOs/PBSAs were in some sense non-residential and proceeded to redefine this area already dominated by HMO/PBSAs as 'mixed use';
- a Climate Change Emergency had been declared. One strand of the response was to discourage unnecessary commuting, including by students, and to co-locate people more closely to their places of work or study;
- Policy RLS 13 - Air Quality in the RLSNDP referred to tackling severe air pollution in the streets to the north of Wise Terrace was identified as a key planning priority. 39 extra student commuters (mostly by bus or car) could only worsen the problem;
- Policy RLS 5 – Royal Leamington Spa Housing Mix and Tenure in the RLSNDP stated that Leamington Spa, North and South town, had a total of 56.9% privately rented properties. Of this total, 36.2% were tenants (2011 Census data) living in shared houses, flats etc. The national average was 22.1%. RLS needed to address this and bring balance back to the communities. This application increased the average significantly;
- Unilateral Undertaking to control car parking was very difficult to enforce as demonstrated with Union House;
- the breach of on-site parking standards - Local Plan policies TR1 & TR3 - in this application, right in the heart of a high-stress parking area for residents, had to be therefore regarded as a material consideration, with little or no weight given to any unilateral undertaking offer of mitigation;
- Plan Policy PC0 stated the Council would promote sustainable economic development to support a vibrant and thriving economy, to enable major sites in the District that played a key role in the economy. Another purpose-built student block contradicted this principle, housing a transient population and remaining empty for a third of each year. It would add limited local business or community value and further 'hollow out' community and business activity in the Old Town area;
- the Concentration Calculation figures tabled omitted the two new PBSAs being completed alongside this site. If their additional 227

bedspaces were added, the current concentration was nearer 60% than the 37% used by officers; and

- increased PBSA's did not reduce HMOs. The idea that a new PBSA would drain students from problematic HMOs and return them to family use had been completely discredited here and in other University towns and cities. Further concentration typically led to even more concentration if allowed.

The addendum advised an additional condition for a Sustainability Statement and an additional Section 106 Contribution towards Public Open Space - an offsite contribution of approximately £117,288 towards the maintenance and improvement of the Pump Room Gardens and Jephson Gardens with the final figure to be confirmed in liaison with the Chairman of the Planning Committee.

The following people addressed the Committee:

- Councillor Jennifer McAllister, representing Royal Leamington Spa Town Council which objected to the application;
- Caroline Terry and Gillian Holden, objectors;
- Daniel Robinson-Wells, representing the applicant; and
- Councillor Colin Quinney, District Councillor, objecting to the application.

Members felt that it would be reasonable to impose an additional condition to provide cycle storage for every student because the proposal was car free. The current proposals stated storage for 27 bicycles, which was half the number of students. The Council's Legal Advisor was unsure that this could be imposed because of the lack of space and compliance with the current SPD, however the Manager, Development Services was more comfortable with the condition because the application was car free.

The applicant's representative was unable to confirm that storage for 54 bicycles could be provided. The Committee agreed to ensure that the applicant would meet a minimum standard of 27, and that the Council's desire for the applicant to try to achieve one per student (54) would be evident.

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

The Committee therefore

Resolved that W/20/1887 be **granted** subject to a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in the report and addendum.

The Head of Development Services in liaison with the Chair of Planning Committee is given delegated authority to finalise the terms of the Section 106 agreement including any variation to, or clarification

of, the sums requested where the revised sums meet the relevant statutory test together with alterations to the final list of conditions.

Should a satisfactory Section 106 Agreement not have been completed within four months from the 20 July 2021 and there is no ongoing progress towards the satisfactory completion of the Section 106 Agreement, 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.

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; • 3878-102 Rev C: Proposed Ground Floor Plan • 3878-103 Rev A: Proposed First, Second and Third Floor Plan • 3878-104: Proposed Fourth Floor Plan • 3878-105 Rev A: Proposed Elevations and specification contained therein, submitted on 16 November 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)	1. no development shall take place until: a) a desk-top study has been carried out that shall include the identification of those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;

No.	Condition

b) if identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to human health;
- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
- an appropriate gas risk assessment to be undertaken;
- refinement of the conceptual model; and
- the development of a method statement detailing the remediation requirements;

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

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

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

3. if during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless

No.	Condition
	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
	4. upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
	Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;
(4)	no part of the development hereby permitted shall commence on site until an environmental noise assessment has been carried out by a competent person and a report of that assessment together with recommendations for any necessary mitigation measures to comply with BS 8233:2014 "Sound Insulation and "World Health Organisation Guidelines For Community noise" shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be carried out strictly in accordance with all the recommendations contained within the approved noise report, prior to the first occupation of the development hereby permitted. Thereafter the mitigation measures shall be maintained in accordance with the approved details.
	Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(5)	the development hereby permitted shall not commence unless and until a Construction

No.	Condition
	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;
(6)	no development shall take place until a Method Statement detailing the design and means of construction of the foundations of the building hereby permitted, together with any other proposed earthmoving and excavation works required in connection with its construction, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify and incorporate any measures required to avoid the risk of adversely affecting the structural integrity of the adjacent Grand Union Canal and towpath (such as vibration monitoring during piling operations). The development

No.	Condition
	shall thereafter only be carried out in accordance with the agreed Method Statement. **Reason:** In the interests of avoiding the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which could adversely affect the structural integrity of the adjacent Grand Union Canal and towpath in accordance with the advice and guidance on land stability contained in paragraphs 170 and 178 of the National Planning Policy Framework and in the National Planning Practice Guidance, and to comply with Policy NE7 (a) of the adopted Warwick District Local Plan 2011-2029;
(7)	no part of the development hereby permitted (including any works of demolition/remediation) shall commence on site until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details. The Plan shall include / provide for: • a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as when badgers, reptiles and amphibians are active and during bird nesting seasons); and • persons responsible for: i. compliance with legal consents relating to nature conservation; ii. compliance with planning conditions relating to nature conservation; iii. installation of physical protection measures during construction; iv. regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction; and v. provision of training and information about the importance of Environment Protection measures to all construction personnel on site.

No.	Condition

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

(8) no works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native planting and installation of bat/bird boxes. The agreed scheme to be fully implemented before/during development of the site as appropriate.

Reason: In accordance with NPPF, ODPM Circular 2005/06;

(9) no development (including demolition) shall commence until a further bat survey of the site, to include appropriate activity surveys 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 and timings has been submitted to and approved in writing by the local planning authority. The 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;

(10) no development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, in particular along the canal, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- lighting should be directed away from vegetated/watercourse areas

No.	Condition

- lighting should be shielded to avoid spillage onto vegetated/watercourse areas
- the brightness of lights should be as low as legally possible
- lighting should be timed to provide some dark periods
- connections to areas important for foraging should contain unlit stretches

The agreed scheme to be fully implemented before/during development of the site as appropriate.

Reason: To ensure that 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;

(11) it should be ensured that there is no contamination of the watercourse either during or after development. A schedule of suitable measures to minimise detrimental run-off and ensure no net biodiversity loss in accordance with NPPF, ODPM Circular 2005/06 and to comply with guidance within the Water Framework Directive to be submitted prior to any ground clearance (including demolition). The Environment Agency can provide further details if required.

Reason: To ensure the protection of important habitats during development having regard to Policy NE3 of the Local Plan;

(12) the development hereby permitted shall take place strictly in accordance with the detailed surface water drainage scheme for the site as detailed within document entitled "C7709-SMMP-01 DRAINAGE / EXTERNAL WORKS / SUDS MAINTENANCE & MANAGEMENT PLANS" and C7709 SURFACE WATER RUN OFF CALCULATIONS together with details shown on plan references and C7709-100-P1 (Drainage Strategy) and C7709-101-P0 (Flood Routing Plan), based on sustainable drainage principles, the approved FRA unless an alternative scheme is submitted to and approved in writing by the local planning authority in consultation with Warwickshire County Council Flood Risk Management. The

No.	Condition
	scheme shall be implemented in accordance with the approved details before the development is completed. **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;
(13)	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;
(14)	the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;
(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

No.	Condition
	Policy BE1 of the Warwick District Local Plan 2011-2029;
(16)	no development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;
(17)	prior to first occupation of the development hereby permitted, details of the proposed heating plant and their emissions shall be submitted for the approval of the Local Planning Authority. For the installation of individual gas fired boilers, these shall be low NOx models where emissions do not exceed 40mg NOx/kWh. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
(18)	noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured 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 ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in

No.	Condition
	accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(19)	no part of the development hereby permitted shall be occupied until a detailed waste management strategy/ plan to demonstrate that the waste from the site can be satisfactorily disposed of has been submitted to and approved in writing. Thereafter, the development shall only operate strictly in accordance with the approved plan. **Reason:** To ensure an acceptable waste disposal strategy is in place for future occupants of the development having regard to Policy BE3 of the Warwick District Local Plan 2011-2029;
(20)	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; • 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; and • how the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk

No.	Condition
	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 (2019); and
(21)	sufficient safe and secure cycle storage will be provided for a minimum of 27 bicycles. A request is made to increase bicycle storage, if at all feasible, so that there is enough bicycle storage for the provision of one per student.

52. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute	Paragraph Number	Reason
53	5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

53. **Minutes**

The confidential minutes of the meeting held on 19 May 2021 were taken as read and signed by the Chairman as a correct record.

(The meeting was adjourned at 7.56pm for a comfort break and reconvened at 8.15pm in public session.)

54. **W/20/0808 – Land North of Rosswood Farm, Coventry Road, Baginton**

The Committee considered an application from Bowsall Developments Limited and Platform Housing Group for the proposed development of 56 affordable dwelling house, consisting of mixed tenure of Social Rent and Shared Ownership on land adjacent to Coventry Road, Baginton.

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

The officer was of the opinion that the proposal represented the provision of 56 affordable units on an allocated housing site within a growth village. Whilst the development would not fully satisfy the housing mix requirements set out within the Council's supplementary guidance, the over delivery of affordable units was seen as a considerable benefit of the proposal which outweighed this matter, along with the high quality nature of the development, in a sustainable location. Subject to the conditions listed and signing of a satisfactory legal agreement, it was recommended that the proposal should be approved.

Members were mindful that there was no mention of the maintenance of SUDs to be included in the S106 agreement so this would form an additional condition with authority delegated to Planning Officers in liaison with the Chairman of Planning Committee to agree the obligations. Condition 16 was to be amended to include reference to cycleways and a note to the applicant that requested that compliance with Condition 13 took account of the emerging Sustainability Plan.

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

The Committee therefore

Resolved that W/20/0808 be **granted** subject a unilateral undertaking to secure the agreed financial contribution in relation to biodiversity offsetting, improved bus facilities and road safety initiatives.

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

Authority is delegated to the Head of Development Services in liaison with the Chair of Planning Committee to include obligations relating to SUDs in the Section 106 agreement.

Should a satisfactory unilateral undertaking not have been completed by 17th August 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.

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: PS-011-2B3P-Bungalow-58m2-RevE, PS-013-2B4P-Semi-70m2-RevC, PS-014-2B4P-Semi-Detached-Front-Gable-70m2-RevC, PS-015-2B4P-Semi-Detached-Aspect-70m2-RevC, PS-017-2B4P--Terrace-Triple-Aspect-70m2-RevC, PS-018-3B5P-Semi-Detached-Front-Gable-81m2-RevC, PS-019-3B5P-Semi-Detached-Aspect-81m2-RevC, PS-020-3B5P-Semi-Detached-86m2-RevC, PS-021-3B5P-Semi-Detached-Front-Gable-86m2-RevC, PS-022-3B5P-Semi-Detached-Aspect-86m2-RevC, PS-023-Semi-Detached-105m2-RevD, PS-024-3B5P-Semi-Corner-90m2-RevA, PS-025-Bungalow-58m2-Bay-Window-RevA, SJA435.05.E (boundary treatments), SJA435.04.F (soft landscape proposals) submitted on 2nd November 2020, and 1128-A-DR-004-Site-Plan-RevT submitted on 9th November 2020, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(3)	the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: 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

No.	Condition
	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;
(4)	the main access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
(5)	the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) in accordance with the British Standard on Biodiversity BS 42020:2013 has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for habitats such as hedgerows and trees (including the veteran oak tree) and protection of adjacent woodland to be employed whilst works are

No.	Condition
	taking place on site. The compound area should be allocated and illustrated in a site layout within the plan. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species 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;
(6)	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;
(7)	no development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted next to the broadleaved woodland, around the boundary edges/hedgerows, around the veteran oak tree, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways: • Lighting should be directed 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

No.	Condition
	• Lighting should be timed to provide some dark periods • Connections to areas important for foraging should contain unlit stretches. **Reason:** To ensure that protected species and habitats to be retained are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005;
(8)	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: • Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753. • Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 4.4l/s for the site. • 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. • 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. Provide evidence to show an agreement from Severn Trent Water to connect to the existing network.

No. **Condition**

Reason To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity in accordance with policies FW1 and NE2 of Warwick District Local Plan 2011 – 2029;

(9) no development shall take place until: -

1. An appropriate ground gas risk assessment has been undertaken in accordance with details approved by the local planning authority.

2. If identified as necessary, a method statement detailing the remediation requirements using the information obtained from the aforementioned ground gas risk assessment, 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 shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.

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

4. Upon completion of any remediation requirements detailed in the aforementioned method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding ground gases have been carried out in accordance with the approved method statement. Where necessary, post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Any 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
(10)	no development shall take place unless and until: a) a supplementary noise assessment has been undertaken to assess the impacts of noise arising from road traffic and Coventry airport on future occupiers of the development; b) the results of the noise assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority. Any necessary mitigation measures approved under (b) shall be implemented in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(11)	prior to the commencement of the development hereby approved (including all demolition and all preparatory work), an arboricultural method statement (AMS) and a tree protection plan (TPP) in accordance with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority for the protection of the retained trees. Specific issues to be considered in the AMS and TPP shall include, without being limited to: i. The location and installation of services/utilities/drainage. ii. Methods of demolition within the root protection area (RPA as defined in BS 5837:2012) of the retained trees (if appropriate). iii. Details of construction within the RPA or that may impact on the retained trees. iv. Recommendations for the specification for the construction of any roads, parking areas and driveways that encroach over RPA's of off-site trees and the retained trees within the site,

No.	Condition
	including the extent of those areas to be constructed using a no-dig specification. v. A recommendation for protective measures to safeguard the off-site trees and the retained trees within the site during both demolition and construction phases, those control measures to be shown on a plan with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection. vi. A recommendation for ground protection measures where scaffolding will be erected within the RPA or which will affect retained trees' canopies. vii. A recommendation for ground protection measures where cranes will be installed within the RPA or which will affect retained trees' canopies (if appropriate). viii. A specification and schedule of tree pruning work to allow the crane to operate effectively (if appropriate). ix. Recommendations for site access, internal roads, temporary parking, on-site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste, as well as the delivery or mixing of concrete, complete with suitable control measures to protect the off-site trees and the retained trees within the site from harm from those facilities or activities. x. Details of an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development. xi. Methods to improve the rooting environment for retained and proposed trees and landscaping. The development thereafter shall be implemented in strict accordance with the approved details. **Reason:** In order to protect and preserve existing trees within the site which are of

No.	Condition
	amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;
(12)	no development shall take place until: 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. The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;
(13)	prior to commencement of the development hereby permitted details of measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be first occupied until the works within the approved scheme have been completed for each dwelling 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 planning for climate change adaptation and to satisfy the requirement of Policy CC1 of the Warwick District Local Plan 2011-2029;
(14)	the development hereby permitted shall not commence unless and until a hard

No.	Condition
	landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include 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. Any hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted. **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;
(15)	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;
(16)	no dwelling shall be occupied until the estate roads [including footways and cycleways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
(17)	the construction of the estate roads serving the development [including footways, cycleways, verges and footpaths] shall not be other than in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety

No.	Condition
	and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
(18)	the access to plots 1-6 for vehicles shall not be used unless a public highway verge crossings has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** To ensure that a verge crossing is available for use when plots 1 - 6 are used, enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
(19)	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;
(20)	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;
(21)	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

No.	Condition
	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 in accordance with Policy FW1 and FW2 of Warwick District Local Plan 2011 – 2029;
(22)	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;
(23)	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;
(24)	prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per

No.	Condition
	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;
(25)	prior to the occupation of the development hereby permitted, a scheme detailing the affordable housing provisions shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include: (a) the tenure split; (b) the arrangements for the management of the affordable housing; (c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, or other alternative arrangements; and (d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced. **Reason:** To meet the requirements of Policy H2 of the Warwick District Local Plan 2011 – 2029;
(26)	the development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants

No.	Condition
	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;
(27)	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 gate, fence, wall or other means of enclosure shall be erected and no hardstanding shall be installed on any land between the front or side elevation of any dwelling and any road or footpath. **Reason:** Due to the open plan layout of the proposed development and its rural setting it is considered important to ensure that control is maintained over boundary treatments and hardstanding fronting the public highway;
(28)	any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
(29)	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

No.	Condition
	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;
(30)	prior to the occupation of the development hereby permitted, the first floor side facing window(s) in property types A, C, D, E, K shown on approved plan 1128-A-DR-004-Site-Plan-RevT 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;
(31)	prior to the first occupation of each of the dwellings hereby permitted, the first occupiers of the dwelling shall be provided with a sustainable welcome pack to help promote sustainable travel in the local area in accordance with details that shall have been first agreed in writing by the local planning authority. **Reason:** In the interests of promoting sustainable travel, in accordance with the requirements of Policy TR3 of the Warwick District Local Plan 2011 – 2029; and
(32)	the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All 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 (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
	Note to Applicant: It is requested that Condition 13 takes account of the emerging Sustainability Plan.

55. **W/20/1847 – Rosedale, Main Street, Eathorpe**

The Committee considered an application from Kenilworth Property Developments Limited for the erection of one dwelling and associated vehicular access.

The application was presented to Committee because of the number of objections received including one from Eathorpe, Hunningham, Offchurch & Wappenbury Joint Parish Council

The officer was of the opinion that this was a revised proposal following on from a previous application for a dwelling which was granted and therefore the principle of housing development on this site had already been determined to be acceptable by virtue of a previous approval. It was recommended that the application should be approved taking into account the changes between the new proposal and the application already approved. This also considered the concerns made by the Conservation Officer, but on balance it was felt the other material considerations outweighed these.

An addendum circulated at the meeting advised that Warwickshire County Council Landscape had objected to the development due to loss of garden area and vegetation with a larger footprint of building and larger area of parking to the front. Condition 2 (approved plans) had been updated to reflect the current drawing numbers and a condition had been added to ensure that the landscaping scheme to deliver biodiversity enhancements was implemented in full. A further condition had been added to ensure the mitigation measures for protected species during construction were implemented in full.

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

The Committee therefore

Resolved that W/20/1847 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 drawing(s) 2008/P/01A, 2008/P/02A, 2008/P/03, 2008/P/04A, 2008/P/05A, and specification contained therein, submitted on 16th June 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)	the development shall be carried out in strict accordance with the approved SuDS Drainage Strategy Report produced by Civil Engineering Solutions dated December 2020 and approved drawing CES633/01/01 Rev A, submitted on 01st April 2021. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;
(4)	the development shall only be carried out in accordance with the sample materials submitted on 04th February 2021. **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;
(5)	the development hereby permitted shall not be occupied unless and until it has been installed with a minimum 16amp electric vehicle recharging point which is ready for use and confirmation has been submitted to and approved in writing by the Local Planning Authority. As a minimum a drawing/ photograph showing the location of the charging point(s), a technical data sheet for the charging point infrastructure, and confirmation of the charging speed in kWh

No.	Condition
	should be submitted to the LPA. Thereafter the points shall be retained in accordance with the approved details and shall not be removed or altered in any way. **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;
(6)	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 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;
(7)	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;
(8)	an additional condition to ensure the mitigation measures for protected species during construction are implemented in full; and
(9)	an additional condition to ensure that the landscaping scheme to deliver biodiversity enhancements is implemented in full.

56. W/20/2121 – 47 Kingsway, Royal Leamington Spa

The Committee considered an application from Mrs Punj for a change of use from a dwelling (use class C3) to a four bed HMO (use class C4).

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

The officer was of the opinion that the proposed change of use was considered to be acceptable in principle and did not have a harmful impact on neighbouring residential amenity, or the character of the area. It was therefore recommended that the change of use should be approved.

An addendum circulated at the meeting advised that a further objection had been received stating that a bus stop within 190 metres was unsuitable for students and the service only operated one bus a day. It also confirmed that there were only four HMOs within 100 metres of the application site, and this meant that the current HMO concentration was 5.6%, which would rise to 7% should the application be granted. The threshold was 10% as set out in Policy H6.

Information had subsequently been received from the applicant's agent giving reassurance that there were a number of bus stops within the required distance of the application site.

Following consideration of the report, presentation, and information contained in the addendum and subsequent information supplied by the applicant's agent, it was proposed by Councillor Ashford and seconded by Councillor Heath that the application should be granted.

The Committee therefore

Resolved that W/20/2121 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 drawing(s) "proposed floor plan REV A" and specification contained therein, submitted on 21/12/2020 **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; and

No.	Condition
(3)	the development hereby permitted shall not be occupied unless and until cycle parking facilities have been provided and made available for use in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Thereafter those facilities shall remain available for use at all times. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

57. **W/20/2144 – 24 Kenilworth Road, Royal Leamington Spa**

The Committee considered an application from Cloister Living LLP for the proposed demolition of the rear two storey and single storey wings together with a detached two storey cottage and the erection of replacement three storey and two storey extensions together with a detached building at the rear of site to provide an increased number of studio flats and bedsit accommodation (increased from 30no. to 33no.) plus all associated works.

The application was presented to Committee because of the number of letters of support received when it was recommended that the application should be refused.

The officer was of the opinion that the proposal to create new dwellings in this location was acceptable in accordance with Policy H1 of the Local Plan and RLS1 of the Royal Leamington Spa Neighbourhood Development Plan. However, notwithstanding the principle of development being acceptable, this was subject only to the other material planning considerations also being considered acceptable. In this case in particular, the subject building, though unlisted, was located within the Royal Leamington Spa Conservation Area to whose character and appearance it undoubtedly made a positive contribution, to the extent that it could be considered a non-designated heritage asset.

The building made its positive contribution to the character and appearance of the conservation area through the regularity in form and pattern of two storey rear service wings on this section of Kenilworth Road, which was a quintessential characteristic of this particular character area of the conservation area. Moreover, while the building itself was unlisted, the two-storey service wing contributed towards the setting of adjacent listed buildings by retaining the regular rhythm of prominent villas with their original two storey rear extensions. Though demolition was sought of the historic service wing and not the building in its entirety, this would still cause less than substantial harm to the significance of the conservation area. No public benefits had been identified to outweigh this harm and accordingly the development would be contrary to Policies HE1 and HE2 as well as the relevant provisions of the NPPF and Policy RLS3 of the Neighbourhood Development Plan.

The proposed extensions to the main building, by reason of their scale, mass and bulk were considered to be disproportionate in scale and imbalanced having regard to their plan depth when compared to the original villa, resulting in harm to the character of the site and surrounding area. The development was therefore considered contrary to Policy BE1 and the Residential Design Guide. It should be noted however that officers raised no objection in design terms to the proposed replacement building at the rear of the site.

The proposal would fail to provide a satisfactory living environment by reason of overlooking, loss of outlook and a sense of overbearance through substandard distance separation being achieved internally within the development, particularly having regard to the relationship between the east facing end elevation of the proposed extension and the west facing elevation of the proposed replacement detached building at the end of the plot (presently known as 'Cariad Cottage'). The development was therefore considered contrary to Policy BE3 and the Residential Design Guide.

Insufficient information had been provided (that could be corroborated by EHO) to satisfactorily demonstrate that future occupiers would have a suitable living environment in terms of daylight and sunlight to the basement level of accommodation. The development was therefore considered contrary to Policy BE3 and the Residential Design Guide.

The proposal also conflicted with Local Plan Policy H2 due to the lack of provision for affordable housing.

Matters related to highway safety, parking, drainage, bin storage and ecology were all considered acceptable and in the event planning permission was forthcoming conditions and advisory notes in these respects could be attached to any decision notice. It was recommended that the applications should be refused.

An addendum circulated at the meeting advised that the applicant had supplied Counsel’s opinion in response to the officer’s report to Committee and a Committee Briefing Note which had been circulated to Members.

Refusal reason 5 was deleted in light of Counsel’s opinion which argued that the development should not be liable for affordable housing because it provided specialist accommodation for students, and that a restriction limiting occupation of the developments would be acceptable to the applicant.

Subsequent to the writing of the officer’s report, the application site had been recommended for addition to the Council’s Local List of Heritage Assets; this recommendation had now been accepted and 24 Kenilworth Road had been added to the List on 12 July. In light of this, the addendum gave details of another reason for refusing the application.

Refusal reason 4 had also been deleted because Environmental Health officers had met with the applicant’s consultants and had been provided with a demonstration of how the daylighting calculations had been undertaken. Environmental Health had subsequently removed its objection,

subject to conditions requiring a Construction Management Plan and limits on plant noise.

The Principal Committee Services Officer read out a statement from the applicant's agent, Mr Andrew Black, who was unable to attend the meeting.

Councillor Jacques withdrew his proposal to grant permission because he was not able to articulate policy reasons for opposing the officers' recommendation to refuse the application.

Following consideration of the report, presentation, information contained in the addendum and the representation read out at the meeting, it was proposed by Councillor Kennedy and seconded by Councillor Cullinan that the application should be refused.

The Committee therefore

Resolved that W/20/2144 be **refused** for the following reasons:

No.	**Refusal Reasons**
(1)	Policy HE2 of the Warwick District Local Plan 2011-2029 states that there is a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a conservation area and that consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area. Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policy RLS3 requires development proposals that are within a Conservation Area to assess and address their impact on their heritage significance, demonstrating attention in particular, to the proposed building type and style in relation to the character area in which it is located and its distinguishing features; building height and scale sympathetic to the local setting and how the development interfaces with and respects the significance of listed buildings and non-designated heritage assets.

No.	Refusal Reasons
	In the opinion of the Local Planning Authority the building makes a positive contribution to the character and appearance of the conservation area by reason of the regularity in form and pattern of two storey rear service wings on this section of Kenilworth Road, which is a quintessential characteristic of this particular character area of the conservation area. Moreover, while the building itself is unlisted, the two-storey service wing contributes towards the setting of adjacent listed buildings by retaining the regular rhythm of prominent villas with their original two storey rear extensions. Though demolition is sought of the historic service wing and not the building in its entirety, this would still cause less than substantial harm to the significance of the conservation area. Furthermore, the proposed replacement extension, by reason of its scale, mass and bulk, is considered to be disproportionate in scale and imbalanced having regard to its plan depth when compared to the original villa, resulting in further harm to the character and appearance of the conservation area. No public benefits have been identified to outweigh the harm that has been identified. The proposals would thereby be contrary to the aforementioned policies;
(2)	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. Furthermore the Residential Design Guide SPD provides a detailed framework which should be followed in order to achieve good design. The NPPF places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design. In the opinion of the Local Planning Authority the proposed extensions to the main building,

No.	Refusal Reasons
	by reason of their scale, mass and bulk are considered to be disproportionate in scale and imbalanced having regard to their plan depth when compared to the original villa, resulting in harm to the character of the site and surrounding area. The development is thereby considered to be contrary to the aforementioned policies;
(3)	Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that does not provide acceptable standards of amenity for future users and occupiers of the development. Furthermore, the Residential Design Guide Supplementary Planning Document provides more detailed guidance. In the opinion of the Local Planning Authority the proposal would fail to provide a satisfactory living environment by reason of overlooking, loss of outlook and a sense of overbearance through substandard distance separation being achieved internally within the development, particularly having regard to the relationship between the east facing end elevation of the proposed extension and the west facing elevation of the proposed replacement detached building at the end of the plot (presently known as 'Cariad Cottage'). The proposal is thereby considered to be contrary to the aforementioned policies; and
(4)	Policy HE3 of the Warwick District Local Plan 2011-2029 states that development that would lead to the demolition or loss of significance of a locally listed historic asset will be assessed in relation to the scale of harm or loss and the significance of the asset. Change to locally listed historic assets should be carried out using traditional detailing and using traditional materials. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be

No.	Refusal Reasons
	required having regard to the scale of any harm or loss and the significance of the heritage asset. In the opinion of the Local Planning Authority, the proposals would result in the partial demolition and consequently loss of significance of a locally listed historic asset which makes a positive contribution to the character and appearance of the conservation area. The proposals for its redevelopment would neither be carried out using traditional detailing nor would they use traditional materials. The proposals would thereby be contrary to the aforementioned policies.

58. **Appointment of Chairman for consideration of W/21/0332 – 7 Cape Road, The Cape, Warwick**

Councillor Morris had declared a pecuniary interest in respect of W/21/0332 – 7 Cape Road, The Cape, Warwick. Prior to leaving the meeting, he called on Committee Members to appoint a Chairman for the next item on the agenda.

It was proposed by Councillor Murphy and seconded by Councillor Kennedy that Councillor Heath be appointed Chairman for consideration of application W/21/0332.

Resolved that Councillor Heath be elected Chairman of Warwick District Council's Planning Committee for consideration of application W/21/0332.

(Councillor Heath was invited to take the Chairman's seat and Councillor Morris left the meeting.)

59. **W/21/0332 – 7 Cape Road, The Cape, Warwick**

The Committee considered an application from Ms Jackson for the erection of an outbuilding for use as a fitness studio/home office.

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

The officer was of the opinion that the development proposals were considered to be 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.

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

The Committee therefore

Resolved that W/21/0332 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 and approved drawing(s) 'GARDEN ROOM ELEVATIONS AND FLOOR PLAN', 'BLOCK PLAN' and specification contained therein, submitted on 22nd February 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.

(The meeting ended at 9.48pm)

CHAIRMAN
17 August 2021