

# Planning Committee

Minutes of the meeting held on Tuesday 10 September 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Heath, Jacques, Kennedy, Leigh-Hunt, Murphy, Nicholls, Roberts and Sanghera.

**Also Present:** Principal Committee Services Officer – Mrs Dury; Legal Advisor – Mr Howarth; Head of Development Services – Mr Barber; Business Manager, Development Management – Mr Sahota; and Mr Pilcher from Warwickshire County Council’s Highways Department.

## 53. Apologies and Substitutes

- (a) There were no apologies made.
- (b) Councillor Jacques substituted for Councillor Morris and Councillor Nicholls substituted for Councillor Weber.

## 54. Declarations of Interest

Minute Number 57 – W/19/0655 – Southcrest Farm (including Knoll House), Glasshouse Lane, Kenilworth

Councillor Kennedy declared an interest because the application site was in his Ward. He was also a Member of Kenilworth Town Council but was not a member of its Planning Committee.

Minute Number 59 – W/19/0879 – 24 Fishponds Road, Kenilworth

Councillor Dickson declared an interest because the application site was in his Ward. The applicant was known to him but he did not consider that he was predetermined or predisposed.

Minute Number 61 – W/19/0812 – Petrol Filling Station, 203A Warwick Road, Kenilworth

Councillor Dickson declared an interest because the application site was in his Ward.

Minute Number 63 – W/19/1165 – Peacock Hotel, 149 Warwick Road, Kenilworth

Councillor Dickson declared an interest because the application site was in his Ward.

## 55. Site Visits

There were no site visits made.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **56. Minutes**

The minutes of the meeting held on 13 August 2019 were taken as read and signed by the Chairman as a correct record.

### **57. W/19/0655 – Southcrest Farm (including Knoll House), Glasshouse Lane, Kenilworth**

The Committee considered an application from Kenilworth Multi Academy Trust for the demolition of two residential properties and a collection of farm buildings, and erection of a two to three storey secondary school and sixth form building and a single storey facilities management building, with associated access and egress from Glasshouse Lane, parking spaces for cars, school buses, bicycles, internal drop-off zones, sports pitches, landscaping and auxiliary outbuildings.

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

The officer was of the opinion that the proposal was a major allocated site for education within the Local Plan and this proposal was therefore acceptable in principle.

The proposed development had been the subject of significant negotiations to overcome site-specific issues to ensure the most appropriate form of development on site together with securing a range of improvements to the local transport network to mitigate for the increased traffic demand in the area.

Overall, the scheme was considered acceptable and was therefore recommended for approval, subject to the signing of the Section 106 Agreement together with the imposition of a range of planning conditions.

The Chairman alerted Councillors to the content of the Addendum. This Addendum advised what the wording should be for Condition 4, which due to a technical glitch, had failed to appear in the report. Amended wording was also advised for Condition 13 and an additional Condition 26 was also stated following a recommendation by the Fire and Rescue Officer. The Addendum gave details of two additional reports the applicants had submitted on the sustainability aspects of the project relating to Part L2 Carbon Compliance and the Sustainability Criteria Comparison. Finally, the Addendum advised that the report gave incorrect Section 106 Contribution figures for Biodiversity Offsetting. The current figure was £127,508, although this was a maximum figure and would be reviewed. The S106 Contribution towards Highways Improvements was £67,600.

The following people addressed the Committee:

- Councillor J Dearing, representing Kenilworth Town Council, which had objected to the proposals;
- Mr Moss and Mr Martin, objecting to the proposals;
- Mr Abbott, Head Teacher at Kenilworth School and three pupils from the School, Miss Delahaye, Miss Pidgeon and Mr Wilkinson; and

## PLANNING COMMITTEE MINUTES (Continued)

- Councillor Hales, District Councillor and a Trustee of the School, supporting.

Members raised concerns about the problems the traffic to and from the School would cause. Mr Pilcher, from Warwickshire County Highways Department, explained the work undertaken to assess the impact and advised that the Department was satisfied with the application proposals but would not be opposed to measures such as imposing a 20 mph speed limit outside of the school at some point, but the move towards this would need to be actioned by the Police, not the Council, so therefore could not be made a condition of granting the application.

There were also concerns raised by Members about the proposals not meeting BREEAM (Building Research Establishment Environmental Assessment Method) standards, but Members were informed that the proposals met the standards required under current Council policy so BREEAM could not form part of any application consent.

A motion to grant including the changes to the conditions and the additional S106 obligations detailed in the Addendum, proposed by Councillor Ashford and seconded by Councillor Sanghera was swiftly followed by a motion to defer the decision to the next meeting proposed by Councillor Roberts and seconded by Councillor Kennedy. The motion to defer was now the substantive motion but was defeated on being put to the vote.

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

The Committee therefore

**Resolved** that W/19/0655 be **granted**, subject to the signing of a Section 106 Agreement and the conditions listed below.

Should the Section 106 Agreement not be signed within one calendar month from 10 September 2019, Officers will have delegated authority to refuse planning permission if no progress has been achieved.

Furthermore, in addition to other S.106 Agreement Planning Obligations set out in the report, the S.106 contribution figure for Biodiversity Offsetting set at £127,508, is a maximum figure to be reviewed accordingly, and the S.106 contribution figure for Highways Improvements is set at £67,600.

Conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section

## PLANNING COMMITTEE MINUTES (Continued)

91 of the Town and Country Planning Act 1990 (as amended);

- (2) unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby permitted, except that associated with the exempt works listed below, shall commence until all respective pre-commencement conditions have been discharged by the Local Planning Authority.

The exempt works shall include; Installation of foul drainage infrastructure, excavation for a new high voltage cable (around the perimeter of the site), investigative surveys, demolition of existing buildings, mobilisation of a site compound, formation of new site entrances, and installation of perimeter fencing and tree protection fencing.

**Reason:** To ensure that development associated with an agreed list of exempt infrastructure and site preparation works can proceed in a timely fashion;

- (3) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:
- KSSF-ARUP-ZZ-XX-DR-L-XX-1520 (C04) (Site Masterplan) submitted on 14th August 2019;
  - KSSF-ARP-ZZ-XX-DR-L-XX-1502 (Vegetation Removal Plan), KSSF-ARP-ZZ-XX-DR-L-XX-1504 (Courtyard Masterplan), KSSF-ARP-ZZ-XX-DR-L-XX-1505 (Fencing), KSSF-ARP-ZZ-XX-DR-L-XX-1506 (Site Sections), KSSF-ARP-ZZ-XX-DR-L-XX-1507 (Courtyard Sections 1 of 2), KSSF-ARP-ZZ-XX-DR-L-XX-1508 (Courtyard Sections 2 of 2), KSSF-ARP-ZZ-XX-DR-L-XX-1509 (Location of Ecological Mitigation Features) and KSSF-ARP-ZZ-XX-DR-L-XX-1510 (Site Block Plan) submitted on 12th April 2019;
  - KSSF-GNA-XX-LG-DR-A-1000, KSSF-GNA-XX-00-DR-A-1001, KSSF-GNA-XX-01-DR-A-1002, KSSF-GNA-XX-02-DR-A-1003 and KSSF-GNA-XX-RF-DR-A-1004

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- (General Arrangement Plans) submitted on 12th April 2019;
- KSSF-GNA-ZZ-XX-DR-A-2101, KSSF-GNA-ZZ-XX-DR-A-2102, KSSF-GNA-ZZ-XX-DR-A-2103, KSSF-GNA-ZZ-XX-DR-A-2104, KSSF-GNA-ZZ-XX-DR-A-2105 and KSSF-GNA-ZZ-XX-DR-A-2106 (Elevations) submitted on 12th April 2019;
- CH002A (07) (Section 278 Agreement Plan for Pedestrian & Cycle Facilities and Site Access) submitted on 20<sup>th</sup> August 2019
- KSSF-GNA-ZZ-XX-DR-A-2107 (E) and KSSF-GNA-ZZ-XX-DR-A-2108 (E) (Elevations) submitted on 28 August 2019, 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;

- (4) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the Local Planning Authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The CEMP should address all measures related to the construction phase outlined in the Ecological Impact Assessment (KSSF-ARUP-XX-RP-YE-0004) and Air Quality Assessment (KSSF-ARUP-XX-RP-YE-0005).

The Plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary

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contractor's buildings, plant and storage of materials associated with the development process. The scheme shall also detail a scheme for community engagement during the construction works. All works of demolition or construction shall be carried out in strict accordance with the approved Plan.

The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

**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. To also ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies BE3, TR1, NE2 and NE5 of the Warwick District Local Plan 2011-2029;

- (5) no development (other than the agreed exempt infrastructure and site preparation works) 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 Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

**Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (6) no development (other than the agreed exempt infrastructure and site preparation works) and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on

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sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with Policies BE1, FW2 and NE3 of the Warwick District Local Plan 2011-2029;

- (7) no development (other than the agreed exempt infrastructure and site preparation works) 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:

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- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements
  - a) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
  - b) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the Local Planning Authority prior to the remediation being carried out on the site.

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

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

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



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monitoring proposals and reporting shall also be detailed in the report.

**Reason:** To safeguard health, safety and the environment in accordance with Policies NE4 and NE5 of the Warwick District Local Plan 2011-2029;

- (8) no development (other than the agreed exempt infrastructure and site preparation works) shall commence until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict 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;

- (9) no hard or soft landscaping shall be implemented until details of hard landscaping works which shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area, or directly to a surface water sewer system for each phase have been submitted to and approved in writing by the Local Planning Authority. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of each phase of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hedging, tree(s) and shrub(s)

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shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (10) no lighting or illumination of any part of any building or the site shall be installed or operated unless and until 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 and operated otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted across ponds and semi-improved grassland and trees/hedgerows 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
- Connections to areas important for foraging should contain unlit stretches

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

- (11) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site (other than for the purposes of the agreed exempt infrastructure and site preparation works) until a scheme for the protection of all existing trees and hedges to be retained on site and an Arboricultural
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Method Statement has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

**Reason:** 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;

- (12) no installation of landscaping works shall be undertaken until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting (including the orchard). 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, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full.

**Reason:** To ensure a net biodiversity gain in accordance with NPPF and Policy NE3 of the Warwick District Local Plan;

- (13) prior to first occupation, a Travel Plan shall be submitted to and approved in writing by Warwickshire County Council. The Travel Plan will be based on the principles outlined in the Framework Travel Plan (KSSF-ARUP-RP-YT-0002 - P02) submitted with the application. After 12 months of occupation, an updated Travel Plan shall be submitted to assess the effectiveness of the approved Travel Plan and

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provided updated requirements (if necessary) based upon a review of the approved Travel Plan document.

**Reason:** To demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic in accordance with Policy TR2 of the Warwick District Local Plan 2011-2029;

- (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;

- (14) no occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan.

**Reason:** To ensure the future maintenance of the sustainable drainage structures;

- (15) no occupation and subsequent use of the development shall take place until eleven electric vehicle charging bays, and infrastructure for a further eleven has been installed in accordance with details first submitted to and approved by the local planning authority.

**Reason:** To ensure delivery of sufficient electric vehicle charging bays in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (16) (a) playing fields shall not be installed until the following documents have been submitted to and approved in writing by the Local Planning  
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Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and

(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation [or other specified time frame – e.g. before first occupation of the educational establishment]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

**Reason:** To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy HS5 of the Local Plan;

- (17) playing fields shall not be installed until a schedule of playing field maintenance including a programme for implementation for a minimum period of [five] years starting from the commencement of use of the development [or other specified time period] has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following the commencement of use of the development the approved schedule shall be complied with in full.

**Reason:** To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Policy HS5 of the Local Plan;

- (18) the full size floodlit 3G football pitch hereby permitted shall not be constructed other than
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substantially in accordance with Sport England's Artificial Surfaces for Outdoor Sports Guidance and the FA's Guide to Football Turf Pitch Design Principles and Layouts.

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

(19) the use of the full size floodlit 3G football pitch cannot commence until:

(a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and

(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Policy HS5 of the Local Plan;

(20) use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

**Reason:** To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy HS5 of the Local Plan;

(21) the development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) and in particular the  
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following mitigation measures detailed within the FRA:

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 43.33 l/s for the site. Surface water is to be provided via a minimum of two trains of treatment using the proposed drainage features within the drainage design.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

**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, FW2 and NE3 of the Warwick District Local Plan 2011-2029;

- (22) 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 protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (23) no deliveries or waste collections likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays.

**Reason:** In the interests of safety, and to maintain the amenity of nearby stakeholders in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan;

## **PLANNING COMMITTEE MINUTES (Continued)**

- (24) the development access shall be constructed in accordance with submitted drawing CH002A Revision 07.

**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;

- (25) the Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with 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; and

- (26) 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.

### **58. W/19/0559 – Hangar 5, Coventry Airport, Coventry Road, Baginton**

The Committee considered an application from Coventry Airport Limited for a proposed change of use of Hangar 5 and associated external yard from an air freight storage and distribution and aircraft maintenance hub (sui generis) to a haulage yard, including HGV storage and maintenance and road freight storage and distribution (sui generis).

This application was deferred by Councillors from the August Planning Committee meeting because of a lack of information relating to the impact of the development on air quality. This application was originally presented to Committee due to the number of objections including an objection from the Baginton Parish Council.



## **PLANNING COMMITTEE MINUTES (Continued)**

The officer was of the opinion that the proposals would have no greater impact on the openness of the Green Belt than the existing use. Furthermore, the proposals were unlikely to have an unacceptable impact on neighbouring residential amenity, air quality or highway safety. Therefore, it was recommended that planning permission should be granted.

An addendum published ahead of the meeting gave details of an objection received from Councillor Bush from Baginton Parish Council related to annual average daily traffic calculations presented in the report. Warwickshire County Council Highways Department had not raised any issues with the information provided in the report provided by the planning officers and the additional report supplied by applicant, so there was no reason to consider that the traffic information provided was incorrect.

The following people addressed the Committee:

- Councillor Bush, representing Baginton Parish Council which had objected to the application; and
- Mr Barnes, who was speaking on behalf of the Applicant.

The Chairman reminded Councillors that the application had been deferred at the last meeting because of a lack of information relating to environmental factors and that they had discussed the other aspects of the application at the last meeting. They should therefore limit discussion to the environmental factors.

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

The Committee therefore

**Resolved** that W/19/0559 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); 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 AV/17/04/06 submitted on 3rd April 2019 and "Fencing and Environmental Barriers" submitted on 15th August 2019, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

## PLANNING COMMITTEE MINUTES (Continued)

### 59. **W/19/0879 – 24 Fishponds Road, Kenilworth**

The Committee considered an application from Mr Scott and Mrs Jones for the erection of a part first floor front extension, and part two storey rear and single storey rear extensions with associated pitched roofs.

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

The officer was of the opinion that the proposed development complied with local plan policy BE1 since it represented a subservient form of development that was easily read as an extension and that positively contributed to the street scene. Furthermore, local plan policy BE3 was complied with along with the Council's Residential Design Guide.

An addendum published ahead of the meeting advised of amended wording for Condition 2.

The following people addressed the Committee:

- Mr McCaig, who advised that he no longer had objections to the proposals if the works were carried out according to the drawings and specification submitted on 30 August 2019; and
- Ms Jones, the applicant.

The Chairman drew Members' attention to the information contained within the addendum.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Sanghera and seconded by Councillor Jacques that the application should be granted including the amendment to Condition 2 advised in the addendum.

The Committee therefore

**Resolved** that W/19/0879 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan 19.2047.GA.001 submitted 24/05/2019 and approved drawings 19.2047.GA.501A and 19.2047.GA.101C, and specification contained therein, submitted on 30/08/2019. **Reason:** For the avoidance of doubt and to secure a

## PLANNING COMMITTEE MINUTES (Continued)

satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and

- (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

(The meeting was adjourned at 7.55pm for 16 minutes.)

### 60. **W/19/0913 – 67 Lillington Road, Royal Leamington Spa**

The Committee considered an application from Mr Skelcher for the erection of a single storey rear extension, first floor rear extension, replacement garage and alterations to front boundary wall including new gates.

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

The officer was of the opinion that the proposed rear extensions, detached garage and front boundary treatments were considered of an acceptable design and scale for the existing property and the wider street scene that would not draw the attention away from the historical significance of the main dwelling. In addition, the proposals would not cause harm to the amenity of the neighbouring properties or public highway safety.

An addendum published ahead of the meeting advised that a correction needed to be made to the parking and access section of the officer's report regarding how far the proposed gates should be set back from the carriageway; it should have stated 5m rather than 6m. This requirement was achieved as part of the proposal.

The following people addressed the Committee:

- Mr Sharp, who represented nearby residents who objected to the proposals; and
- Mr Skelcher, the applicant.

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

The Committee therefore

**Resolved** that W/19/0913 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this Item 4 / Page 19

## **PLANNING COMMITTEE MINUTES (Continued)**

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) 19/02-02 A, and specification contained therein, submitted on 02nd August 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) 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.

### **61. W/19/0812 – Petrol Filling Station, 203A Warwick Road, Kenilworth**

The Committee considered a retrospective application from Valero Limited for the display of two internally-illuminated canopy fascia panels, one internally-illuminated totem sign and four internally-illuminated spreader boxes.

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

The officer was of the opinion that the installed signage was considered to be acceptable in design terms and preserved the appearance of the Conservation Area. The proposal had an acceptable impact on amenity and there were no public safety issues identified. It was therefore recommended that the signage should be approved.

Councillor Worrall, representing Kenilworth Town Council's objections to the proposals.

Councillors expressed concern that they were unable to determine how much of an issue the lights coming from the signage at the petrol station were for nearby residents when there were no photos of the signs in the dark. Officers were unable to confirm if visits had been made in the dark to assess the impact. Anecdotal evidence had been given at the meeting about a nearby resident who was now forced to sleep in a room at the back of his house because of the light given from the signs.

A motion was proposed by Councillor Heath and seconded by Councillor Sanghera to grant permission, but this was swiftly followed with a motion

## **PLANNING COMMITTEE MINUTES (Continued)**

to defer decision until the next meeting so that photographs could be taken in the dark. This motion to defer became the substantive motion.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Dickson and seconded by Councillor Nicholls that the application should be deferred to the next meeting to obtain photographs and clarification of lux readings of the signage in the dark because there was no evidence available relating to the objections received.

The Committee therefore

**Resolved** that W/19/0812 be **deferred** to the next meeting to obtain photographs and clarification of lux readings of the signage in the dark because there was no evidence available relating to the objections received.

### **62. W/19/0961 – 9 Stoneleigh Close, Stoneleigh**

The Committee considered an application from Mr Brooks for the erection of a hip to gable roof conversion raising the roof height by a minimum of 0.5 (from the existing ridge) and a maximum of 3.5m (from the existing eaves) with the erection of one dormer to the front and three dormers to the rear.

The application was presented to Committee because of support from Stoneleigh & Ashow Parish Council when the recommendation was to refuse the application.

The officer was of the opinion that although the proposals were acceptable in terms of their design within the street scene and impact on the neighbouring occupiers the additional bulk and mass represented a 67.12% increase in the floor area of the dwelling. This was well in excess of the 30% guide set out in policy H14. The combination of the increase in floor space and the increase in height and volume meant that the proposals would amount to a disproportionate addition and did not comply with Local Plan Policy H14. It was recommended that this application should therefore be refused.

Mr Brooks, the applicant addressed the Committee.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Roberts and seconded by Councillor Ashford that the application should be refused.

The Committee therefore

**Resolved** that W/19/0961 be **refused** because in the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are

## PLANNING COMMITTEE MINUTES (Continued)

considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Policy Framework and to Policy H14 of the Warwick District Local Plan 2011-2029.

### 63. **W/19/1165 – Peacock Hotel, 149 Warwick Road, Kenilworth**

The Committee considered an application from Mr Muthalagappan for the renewal of permission W/16/1203 for the change of use from hotel (use Class C1) to a 37-bedroom House in Multiple Occupation (HMO) (Sui Generis) and the insertion of three additional windows.

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

The officer was of the opinion that the proposed change of use would not create a harmful concentration of HMOs within a 100 metre radius of the site, and subject to adequate control through a management agreement, would not have a harmful impact on neighbouring residential amenity. The proposal provided adequate waste and cycle storage and there would be no increased demand for on-street parking. Therefore, it was recommended that the proposed change of use should be approved.

An addendum published ahead of the meeting advised of the content of one further objection that had been received.

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

The Committee therefore

**Resolved** that W/19/1165 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 720.06, 720.07A, 720.08, 720.09, 720.10, 720.12, 720.12A submitted on 9th July 2019 and drawing 720.11B submitted on 7th August 2019, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1

## PLANNING COMMITTEE MINUTES (Continued)

and BE3 of the Warwick District Local Plan 2011-2029;

- (3) the occupation of the buildings hereby permitted shall not commence until a management plan addressing the management and maintenance of the buildings; security and fire safety; the conduct of the occupants during occupancy; and community liaison responsibilities and procedures has been submitted to and approved in writing by the Local Planning Authority. That occupation shall only be undertaken in accordance with that management plan. **Reason:** To ensure a satisfactory standard of development in the interests of the amenities of the wider area in accordance with Policies BE1, BE3 and NE5 of the Warwick District Local Plan 2011 – 2029;
- (4) 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; and
- (5) the development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **Reason:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

### 64. **W/19/1009 – The Barn, Camp Hill Farm, Kites Nest Lane, Beausale**

This application was withdrawn from the agenda because amended plans had been received which overcame the concerns raised by the Conservation Officer and therefore the application could now be determined under delegated powers.

**PLANNING COMMITTEE MINUTES (Continued)**

**65. W/19/1010 LB – The Barn, Camp Hill Farm, Kites Nest Lane, Beausale**

This application was withdrawn from the agenda because amended plans had been received which overcame the concerns raised by the Conservation Officer and therefore the application could now be determined under delegated powers.

**66. Planning Appeals Report**

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

**Resolved** that the report be noted.

(The meeting ended at 9.18pm)

CHAIRMAN  
8 October 2019