

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 23 July 2013 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**PRESENT:** Councillor MacKay (Vice Chairman in the Chair); Councillors Boad, Mrs Bromley, Brookes, Mrs Bunker, Ms Dean, De-Lara-Bond, Weber and Williams.

Apologies for absence were received from Councillors Dagg, Rhead and Wilkinson.

## 40. **SUBSTITUTES**

Councillor Mrs Bromley substituted for Councillor Rhead. Councillor Ms Dean substituted for Councillor Wilkinson.

## 41. **DECLARATIONS OF INTEREST**

Minute Number 43 – Agenda item 5 – W13/0607 – Land North of Harbury Lane, Heathcote, Warwick

Councillor Mrs Bromley declared an interest because the application site was located in her Ward.

Minute Number 46 - Agenda item 9 – 15 Smythe Grove, Woodloes Park, Warwick

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

Minute Number 48 - Agenda item 10 – W13/0827 – Victoria Park, Archery Road, Royal Leamington Spa

The Committee as a whole declared an interest because the applicant was Warwick District Council.

## 42. **SITE VISITS**

To assist with decision making, Councillors Boad, Mrs Bromley, Dean, MacKay, Weber and Williams visited the following application site on Saturday 20 July 2013:

W13/0607 – Land North of Harbury Lane, Heathcote, Warwick

## 43. **W13/0607 – LAND NORTH OF HARBURY LANE, HEATHCOTE, WARWICK**

The Committee considered an application from Gallagher Estates Ltd for an outline residential development up to a maximum of 220 dwellings; provision of three points of access - one from Macbeth Approach, one from Heathcote Lane and one from Harbury Lane; comprehensive green infrastructure and open spaces including a potential children's play space; potential footpath and cycleways; foul and surface water drainage

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infrastructure, including attenuation ponds; ancillary infrastructure and ground remodelling.

The application was presented to the Committee because of the number of objections received, including one from Warwick Town Council and the level of public interest in the application.

The officer considered the following policies to be relevant:

SSP1 - Employment Allocations (Warwick District Local Plan 1996 - 2011)  
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)  
DP5 - Density (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)  
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)  
SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)  
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
RAP10 - Safeguarding Rural Roads (Warwick District Local Plan 1996 - 2011)  
National Planning Policy Framework  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Open Space (Supplementary Planning Document - June 2009)  
Vehicle Parking Standards (Supplementary Planning Document)  
Warwickshire Landscape Guidelines SPG  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Affordable Housing (Supplementary Planning Document - January 2008)  
Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)  
Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)  
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

The Committee was asked to note that the second sentence of the second paragraph on page 19 of the report should read UAP1, not RAP1, and that

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

after the words "limited weight" it should say "and SC2 which is considered to carry less weight than the need to provide land for housing".

An addendum circulated at the meeting advised the Committee of further comments, submissions and evidence which had been received following publication of the agenda. The addendum also set out a response from the applicant to objections, comments from Warwickshire County Council Highways and a number of changes to the proposed conditions and to the conditions of the Section 106 agreement.

It was the officer's opinion that, due to the Council's lack of a five year housing supply, only limited weight could be afforded to Policy RAP1, therefore the NPPF required applications to be considered in the context of the presumption in favour of sustainable development. This stated at paragraph 14 that where the development plan policies were out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There were three dimensions to sustainable development: economic, social and environmental. This development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Business would also benefit economically through the provision of immediate highway network improvements. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space in excess of the minimum requirement, improvements to and provision of sports facilities, community facilities, shops and services. Environmental benefits would arise from measures to increase biodiversity, potentially adjacent to the Tach Brook corridor, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and new footpath/cycle way links. The site was sustainably located adjacent to the urban area and would be integrated into the existing settlement by sustainable transport links. It was therefore concluded that the development represented sustainable development by satisfying the three dimensions.

It had been concluded that the issues raised could be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. Whilst the development would have an adverse impact on the surrounding landscape in terms of the loss of openness and rural character, with a resulting decrease in the separation between settlements and the increased perception of coalescence and there being a low potential for harm to the setting of the Castle Bridge, this needed to be weighed against the benefits of the development. The fact that the site was currently allocated for employment development meant that harm to the surrounding landscape carried less weight, as development could already come forward on the site, just in a different (and potentially more visually harmful) form. The conflict with Policy SC2 due to the loss of allocated employment land also needed to be weighed against the benefits. As stated elsewhere in this report it was considered that employment land in relation to the southern sites was best located in close vicinity to Warwick

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

Technology Park to enable its expansion either adjacent to the Park, north of Gallows Hill or to the land opposite, south of Gallows Hill. It was considered that the application site was not located with sufficient proximity to the Technology Park to support its expansion. The benefits included the significant increase in the supply of land for the unmet market and affordable housing needs of the District, in a sustainable location adjacent to the urban area.

In the particular circumstances of this application, it was not considered that the adverse impacts on the landscape and rural area, heritage assets and employment land significantly and demonstrably outweighed the benefits of the development. The development was considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advised could carry only limited weight and to comply with the policies of the NPPF as a whole. The presumption in favour of sustainable development carried substantial weight, as did the contribution the development would make to the provision of housing to meet the needs of the District. The fact that the site was identified as a preferred option in the RDS needed to be given serious consideration due to its stage in the plan process, but the evidence base that led to the inclusion of the site in the RDS carried some weight. It was therefore concluded that the development should be granted.

Warwickshire County Council Highways had confirmed they had no objection subject to conditions requiring visibility splays, access locations as agreed, a scheme for the location of bus stops on Harbury Lane and conditions for the Section 106 agreement.

Mr J MacKay spoke to the Committee representing the Conservation Advisory Forum's objections to the application. Mr D Crips also spoke as an objector, while Mr T Bateman spoke in support of the application. Ward Councillors Mrs Falp and Mrs Mellor both expressed objections.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained in the addendum, the Committee resolved to grant outline planning permission subject to the conditions listed in the report and addendum and subject to the completion of a Section 106 agreement by 2 August 2013, with two amendments to the Section 106 agreement to require a contribution towards school transport and to require an application for approval of reserved matters not later than two years.

**RESOLVED** that W13/0607 be GRANTED subject to the completion of a Section 106 agreement by 2 August 2013 and to the following conditions:

- (1) this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-

- (a) layout

## PLANNING COMMITTEE MINUTES (Continued)

- (b) scale
- (c) appearance
- (d) landscaping

**REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

- (2) application for approval of the reserved matters shall be made to the local planning authority not later than two years of the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within three years of the date of permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (SK-007 Rev:C), and specification contained therein, submitted on 3 May 2013. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (5) an application for the approval of a construction phasing plan of the development shall be submitted before the expiry of three years from the date of this permission. The development shall hereafter be carried out in accordance with the phases established in the phasing plan as approved by the local planning authority. **REASON:** To ensure the proper phasing of the development;
- (6) no development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, and around known bat roosts and badgers setts, 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

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

nocturnal wildlife. This could be achieved in the following ways:

- a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps
- b. the brightness of lights should be as low as legally possible
- c. lighting should be timed to provide some dark periods
- d. connections to areas important for foraging should contain unlit stretches

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

**REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011. To ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP3 and DAP3 of the Warwick District Local Plan 1996-2011;

- (7) no phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent and phase of development showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the local planning authority. That phase of development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

**REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (8) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The

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

scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;

- (9) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site 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: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds 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 Policy DP3 of the Warwick District Local Plan 1996-2011;

- (10) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of outdoor sports facilities within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
- (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
- (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.
- REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (11) the development hereby permitted (including demolition) shall not commence until a

## PLANNING COMMITTEE MINUTES (Continued)

Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation 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 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 National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan;

- (12) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **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 DP4 of the Warwick District Local Plan 1996-2011;
- (13) the development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (14) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site,



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

has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

**REASON:** In the interests of fire safety;

- (15) the development hereby permitted shall not commence until: -
- 1(a) 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:
    2. 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
  - (b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
  - (c) 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 and shall 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.

## PLANNING COMMITTEE MINUTES (Continued)

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

**REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (16) 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 local 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 water bodies, native species planting, wildflower grasslands; 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;
- (17) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the

## PLANNING COMMITTEE MINUTES (Continued)

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; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

- (18) the drainage design permitted by this development shall be undertaken in accordance with the "Drainage Strategy and Flood Risk Assessment. Land North of Harbury Lane, Lower Heathcote" produced by Halcrow dated April 2013 (Version 1.4) and the following mitigation included within the FRA:

- Site will discharge at 3.8 l/s/ha for all events up to and including the 1 in 100 year return period event plus a 30% allowance for the effects of climate change.
- A maximum storage provision of 2760m<sup>3</sup> will be required.

**REASON:** To prevent increased flood risk both on and off the site in accordance with the National Planning Policy Framework and Local Plan Policy DP11;

- (19) Any landscaping (other than the planting of trees and shrubs) approved including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of 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

## PLANNING COMMITTEE MINUTES (Continued)

scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (20) 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 without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, 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 with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All 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 (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 DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (21) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF;
- (22) accesses to the site shall be located and laid out in general accordance with plan SK-007 C;

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

- (23) visibility splays to be provided at the vehicular accesses to the site shall have 'x' distances of 2.4 metres and 'y' distances of 120 metres onto Heathcote Lane, 160 metres onto Harbury Lane and 43 metres onto Gallagher Way/Macbeth Approach to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway; and
- (24) prior to commencement of the development, the applicant is required to submit a scheme detailing the form and location of bus stops to be provided on Harbury Lane. These stops shall then be implemented in full prior to occupation of the first dwelling on the site.

### **44. W13/0611 – 3 GEORGE STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from Building & Plumbing Supplies Limited for the demolition of existing shop/showroom and construction of three dwellings.

The application was presented to the Committee because a number of objections had been received including one from Royal Leamington Spa Town Council.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Vehicle Parking Standards (Supplementary Planning Document)  
Open Space (Supplementary Planning Document - June 2009)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
National Planning Policy Framework

An addendum circulated at the meeting proposed a change to condition 5.

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It was the officer's opinion that the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. Furthermore, the proposal would not adversely affect the amenity of nearby residents or significantly increase on-street parking demand. The proposal was therefore considered to comply with the policies listed.

Mrs S Davis and Mr B Davis addressed the Committee objecting to the application. Ward Councillor Barrott also spoke in objection to the application.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained in the addendum, the Committee resolved to grant the application, but did not impose Condition 5 as detailed in the report or as amended in the addendum.

**RESOLVED** that W13/0611 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 drawing(s) 2122/10 Rev B, 2122/11 Rev B, 2122/03 Rev B, 2122/08 Rev B, and specification contained therein, submitted on 08/05/13 and 09/07/13. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the

## PLANNING COMMITTEE MINUTES (Continued)

generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (4) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011: (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (5) the development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys – 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. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and the NPPF 2012;

- (6) the development shall be carried out only in full accordance with sample details of the elevational materials, which have been submitted to and approved in writing by the Local Planning Authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011;

- (7) before development hereby approved commences details must be submitted to and approved in writing by the Local Planning

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Authority showing: (a) 1:10 drawings of moulded bricks and cill, arch, porch and chimney details, (b) 1:10 drawings of all external frames and associated joinery sections; (c) traditional cast iron rain water goods; and (d) decorative finishes and colours to be used externally. Thereafter the development shall be carried out in accordance with the approved details. **REASON:** To ensure an appropriate character and appearance that will enhance the conservation area in accordance with Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011;

- (8) all window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A or E of Part 1 of Schedule 2 of this Order without the prior permission of the Local Planning Authority. **REASON:** To retain control over future development of the premises in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (10) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: 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. **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 DP2, DP6,



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

DP8 & DP9 of the Warwick District Local Plan  
1996-2011.

### **45. W13/0752 – 49 BREMRIDGE CLOSE, BARFORD**

The Committee considered an application from Mr Hartley for the erection of a two storey side extension to the existing house, to include demolition of a garage.

The application was presented to the Committee because an objection had been received from Barford, Sherbourne and Wasperton Joint Parish Council.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
National Planning Policy Framework  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
The 45 Degree Guideline (Supplementary Planning Guidance)

It was the officer's opinion that the proposed two storey extension was acceptable in terms of its character and appearance within the street scene and did not significantly impact on the amenities of surrounding neighbours such as would support a reason for refusal.

Parish Councillor Clay addressed the Committee, presenting the objections of Barford, Sherbourne and Wasperton Joint Parish Council.

Following consideration of the report and presentation, along with the representations made at the meeting the Committee resolved to grant the application.

**RESOLVED** that W13/0752 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 drawing 02 Rev A, and specification

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

contained therein, submitted on 11th July, 2013. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (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 DP1 of the Warwick District Local Plan 1996-2011;
- (4) prior to the occupation of the development hereby permitted, the first floor rear window in the west elevation 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 shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and
- (5) the ground floor front car port area of the two storey side extension on the approved drawing number 02 Rev A shall be used for car parking and for no other purpose (even if such other purpose would not otherwise require planning permission or would otherwise be permitted by any legislation) unless otherwise agreed in writing by the local planning authority.  
**REASON:** To protect the car parking provision of the occupants of the property in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011.

### **46. W13/0769 – 15 SMYTHE GROVE, WOODLOES PARK, WARWICK**

The Committee considered an application from Dr T Malik for a proposed single storey extension and garden store.

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

The officer considered the following policies to be relevant:

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

National Planning Policy Framework

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Sustainable Buildings (Supplementary Planning Document - December 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

An addendum circulated at the meeting advised the Committee of one further objection letter submitted by a neighbour after the agenda had been published.

It was the officer's opinion that whilst the extension would be visible in the street scene and as such would have an impact in the surrounding area, it was not considered to be sufficiently harmful as to justify a refusal of planning permission. The extension was also considered not to have a detrimental impact on the living conditions of the neighbouring properties and would not impact adversely on parking or highway safety. The proposal was therefore considered to comply with all relevant Local Plan policies and should therefore be approved.

Mr Codling spoke to the Committee in objection to the application, followed by Mr Clink who spoke in support of the application.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained in the addendum, the Committee resolved to grant the application, subject to an additional condition to control the roof material and a note to the applicant relating to the use of matching materials for windows.

**RESOLVED** that W13/0769 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); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1943/3(A), 1943/4, 1943/5, and specification contained therein, submitted on 04/06/2013. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

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

- (3) an additional condition to control the roof material.

### **47. W13/0713 – WOODLAND GRANGE, OLD MILVERTON LANE, OLD MILVERTON**

The Committee considered an application from Woodland Grange Management Centre for a variation of condition 2 of planning application W10/1061 - renewal of planning permission W07/1183 for change of use of land to form part of the management centre , laying out car parking areas, associated landscaping and woodland planting- to allow minor layout alterations to a car park.

The application was presented to the Committee because an objection had been received from Old Milverton and Blackdown Parish Council.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)  
National Planning Policy Framework

It was the officer's opinion that the development did not prejudice the openness and rural character of this green belt area and was considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee resolved to grant the application.

**RESOLVED** that W13/0713 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from 5th January 2011, the date of the original permission W/10/1061. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details submitted on 5th July 2007 under planning application W07/1183 and the approved amended drawing(s) WGRIC03 D and WGRIC04 D, and specification contained therein, submitted on 21st May 2013.

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

**REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) notwithstanding the details shown on the approved plans, no works shall be commenced on site, including site clearance, unless and until, a combined ecological and landscaping scheme has been submitted and agreed in writing by the Local Planning Authority. The scheme shall include all aspects of landscaping including details of new tree/shrub/hedgerow/scrub/woodland edge planting, creation of wildflower-rich swards and enhancement of existing stream as well as management of the whole site for wildlife through maximising opportunities for biodiversity enhancement. The approved scheme shall be fully implemented strictly as approved. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2012. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011 and to secure biodiversity in accordance with NPPF 2012;
- (4) no viewpoint timber deck, bench or interpretation board as shown on Drawing No. WGRIC03 D shall be installed until full details of its design and appearance have been submitted to and approved in writing by the District Planning Authority. The development shall be implemented strictly as so approved. **REASON:** To protect the amenity of this locality in accordance with the requirements of Policy DP1 of Warwick District Local Plan 1996-2011;

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

- (5) no external lighting shall be installed on the application site in association with the development hereby permitted unless details have first been submitted to and approved in writing by the District Planning Authority. The lighting shall be implemented strictly as so approved. **REASON:** To protect the amenity of this locality and to ensure appropriate consideration is given to protected species in accordance with the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (6) the car parking and access road thereto shall not be constructed unless and until a scheme for a sustainable drainage system to provide for the disposal of surface water has first been submitted to and approved in writing by the Local Planning Authority to ensure that there is no contamination of the adjacent watercourse at any time, either during or after the completion of the development. The development shall be implemented strictly as so approved. **REASON:** To protect against flooding and the pollution of water resources in accordance with the requirements of Policy DP11 in the Warwick District Local Plan 1996-2011;
- (7) no car parking shall be permitted at any time on the open land shown on Drawing no. WGRIC03 D to the north of Woodland Grange Management Centre to be laid out as a landscaped area and on the bringing into use of any new car parking space hereby approved, no car parking shall be permitted within the whole application site other than within a car parking space shown designated for that specific purpose on Drawing No. WGRIC03 D. **REASON:** To protect the rural character and appearance of this Green Belt locality and to secure a sustainable form of development in accordance with Policies DP1, DP2, DP6, DP7, and DP8 in the Warwick District Local Plan 1996-2011; and
- (8) the site shall be surveyed by a badger expert for the presence of badgers immediately before any development hereby permitted is first commenced. If any evidence of badgers is found as a result of the survey, Natural England shall be informed as badgers and their setts are protected under the 1992 Badgers Act. **REASON:** To ensure that appropriate measures are taken in relation to protected

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

species in accordance with Policy DP3 in the Warwick District Local Plan 1006-2011.

### **48. W13/0827 – VICTORIA PARK, ARCHERY ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Warwick District Council for the erection of low profile storage buildings and associated landscaping screen of mixed native shrubs.

The application was presented to the Committee due to the applicant being Warwick District Council.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)  
National Planning Policy Framework

An addendum circulated at the meeting advised the Committee of a further comment and an objection received following publication of the agenda. It also stated that Warwickshire County Council Highways had no objection.

It was the officer's opinion that the nature of the development would not cause unacceptable harm to neighbours' amenity, the character or setting of the Conservation Area or the Historic Park and Garden status of Victoria Park. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, along with the information contained in the addendum, the Committee resolved to grant the application.

**RESOLVED** that W13/0827 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 drawing(s) HPS/VRT/02 and HPS/VRT/03, and specification contained

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

therein, submitted on 17th June 2013.

**REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

- (3) the development hereby permitted shall only be undertaken in strict accordance with details of soft landscaping works which have been submitted to and approved in writing by the local planning authority. 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) 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

### **49. DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

The Committee received a report which provided an update on the performance of the Planning Management team particularly in respect of the determination of planning applications within statutory timescales.

Local authorities were at risk of “special measures” if they determined less than 30% of major planning applications within the statutory timescale of 13 weeks. Towards the end of 2011/12, had the scheme been in place, this Council would have been at risk of special measures. However, over the subsequent year performance had improved to the point where, over the last two quarters of 2012/13, Warwick District Council was one of the best performing councils across the country and one of the two most improved councils within its benchmarking group.

The Committee congratulated staff for their hard work and thanked the officers for their report.

**RESOLVED** that the contents of the report be noted.

(The meeting ended at 9.17 pm)