

Planning Committee

Minutes of the meeting held on Tuesday 5 December 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Mrs Bunker, D'Arcy, Day, Edgington, Gifford, Mrs Hill, Margrave, Morris, Mrs Stevens and Weed.

Also Present: Committee Services Officer – Mrs Dury; Legal Advisor – Mr Howarth; Head of Development Services – Mrs Darke; and Senior Planning Officer – Mr Young.

111. Apologies and Substitutes

- (a) There were no apologies for absence.
- (b) Councillor Gifford substituted for Councillor Boad and Councillor Margrave substituted for Councillor Heath.

112. Declarations of Interest

Minute Number 120 – W/17/1829 – 41 the Fairways, Royal Leamington Spa

Councillor Gifford declared an interest because he had been in extensive consultations with residents and he would be speaking as Ward Councillor on this application. After he spoke on the application, he left the room until after the decision had been made by the Committee on that application.

Minute Number 126 – W/17/1752 – 32 Hamilton Terrace, Royal Leamington Spa

All members of the Committee declared an interest just prior to consideration of this application on the advice of officers because the applicant site was owned by the District Council.

113. Site Visits

To assist with decision making, Councillors Mrs Bunker, Cooke, Day, D'Arcy, Edgington, Mrs Hill, Mrs Stevens and Weed had visited the following application sites on Saturday 2 December 2017.

W/17/1946 – 5 Fairfax Close, Barford

W/17/1829 – 41 the Fairways, Royal Leamington Spa

Councillor Gifford visited 5 Fairfax Close only.

114. Minutes

The minutes of the meeting held on 7 November 2017 were taken as read and signed by the Chairman as a correct record.

PLANNING COMMITTEE MINUTES (Continued)

115. W/17/1639 – The Bungalow, Honiley Road, Beausale

The Committee considered an application from Forte Projects Limited for the demolition of the existing bungalow and the construction of two detached dormer bungalows and the formation of one new access to the highway.

The application was presented to Committee because an objection had been received from Beausale, Haseley, Honiley and Wroxall Parish Council.

The officer was of the opinion that the principle of development was considered acceptable having regard to both the provision of new residential development in this location and the Green Belt where Policy H11 confirmed that the proposal for two dwelling represented an appropriate form of development in the Green Belt. The proposed dwellings would not result in demonstrable harm to the character of the local area or the appearance of the street scene and there would be no resulting harm caused to the amenity of nearby neighbouring properties. There were no objections from the County Highways Authority and the development proposed suitable access and parking arrangements such that there would be no detriment to highway safety. Any ecological concerns could be adequately mitigated through appropriate conditions.

Overall, the development was considered to accord with the relevant provisions of the Development Plan and for these reasons it was recommended that planning permission be granted.

An addendum circulated at the meeting advised a clarification regarding proposed condition 4 (landscaping scheme). The condition included a requirement to provide details of replacement planting and in pursuance of this the applicant and their agent had been advised that a suitable landscaping scheme to be agreed would include details of replacement planting along at least part of the frontage boundary to replace what was previously removed.

Additional representations had been received from the Parish Council concerning the use of the required open space contribution which they proposed was used at Wren Hall.

One additional neighbour representation had been received with an attached photograph and copies of Land Registry documentation, the latter of which related to a private matter and was not a material planning consideration.

The following people addressed the Committee:

- Council Bird from Beausale, Haseley, Honiley and Wroxall Parish Council, speaking against the application;
- Mrs Harper, the adjacent neighbour, who objected to the application; and
- Councillor Gallagher, Ward Councillor, also speaking against the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was

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proposed by Councillor Mrs Stevens and seconded by Councillor Edgington that the application should be granted. Following a vote of eight votes to two in favour of the motion, it was agreed to add an amendment to include the clarification to condition 4 as stipulated in the Addendum. Councillor Mrs Stevens and Councillor Edgington were in agreement for this to be added and on a second vote,

The Committee therefore

Resolved that W/17/1639 be **granted** in accordance with the recommendations in the report and the clarification of condition 4 as detailed in the addendum, 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 submitted on 29 September 2017, approved drawing 3103-08 'Proposed Visibility Splays' submitted on 25 October 2017 and approved drawings 3103-05, 3103-06, 3103-07 and 3103-08 'Street scene of 2 Dwellings' specification contained therein, submitted on 6 November 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted 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 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;
- (4) 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. Details of soft landscaping shall include any

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replacement planting proposed within the site and/or around the perimeter of the site and at least in relation to the frontage boundary to replace planting removed. Details of hard landscaping works shall include boundary treatments, including full details of any proposed boundary walls, railings and/or gates to be erected, specifying the colour of any 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. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; 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) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (5) no part of the development hereby permitted shall be commenced (including demolition, site clearance or other preparatory works) 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 District 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

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altered or any excavation take place without the prior consent in writing of the District 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:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2031;

- (6) no part of the development hereby permitted, including site clearance, shall be commenced until a combined ecological and landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority (in conjunction with WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree/wildflower planting and installation of bird and bat boxes. The agreed scheme shall thereafter be fully implemented before and during development of the site as appropriate. **Reason:** To ensure a net biodiversity gain in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2031;

- (7) 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 HS4 of the Warwick District Local Plan 2011-2029:

(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 in strict accordance with the approved details.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy HS4 of the Warwick District Plan 2011-2029;

- (8) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to check all suitable features in the roof of the buildings to

PLANNING COMMITTEE MINUTES (Continued)

be demolished and to check all trees to be removed for bats and nesting birds immediately prior to works commencing. All roofing material is to be subsequently removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. If nesting birds are found the works cannot commence until the young have fledged. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2031;

- (9) the development shall not be occupied until visibility splays have been provided to the vehicular accesses to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 120 metres to the near edge of the public highway carriageway, in accordance with drawing no. 3103-08. 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. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2031;
- (10) the development shall not be occupied until the accesses to the site have been positioned and laid out in accordance with drawing no. 3103-08. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2031;
- (11) the accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public

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highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2031;

(12) the accesses to the site for vehicles shall not be used unless public highway verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2031;

(13) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan; and

(14) the dwelling(s) hereby permitted must meet a water efficiency standard of 110 litres per person per day, including five litres per person per day for external water usage. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

116. W/17/1946 – 5 Fairfax Close, Barford

The Committee considered an application from Ms Coope for the erection of a single storey side extension, single storey front porch extension, pitched roof over the existing garage and the installation of cladding to the front elevation.

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

The officer was of the opinion that the proposed extensions were not considered to result in material harm to the living conditions of the occupiers of neighbouring properties; were not considered to harm the Conservation Area; were in accordance with the design guidelines set out in Barford's Design Statement 2009 and would not affect the current parking situation and would allow for two off-street parking spaces in accordance with the Council's Vehicle Parking Standards SPD.

PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

- Councillor Clay, representing Barford Parish Council, which objected to the application;
- Mr & Mrs Spoor, residents of Fairfax Close, speaking against the application; and
- Councillor Phillips, Ward Councillor, also speaking against the application.

A motion to refuse permission was defeated. The Council's Legal Advisor advised Members that they had to have clear convincing reasons to decide to vote against the recommendations in the report.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Day that the application should be granted.

The Committee therefore

Resolved that W/17/1946 be **granted** in accordance with the recommendations in the report, 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 3561-01J, and specification contained therein, submitted on 21/11/2017. **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) the bricks and roof tiles 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.

117. **W/17/1534 – Bakers Barn, Bakers Lane, Knowle**

The Committee considered an application from Mrs Smith for a change of use of the existing stable building to a holiday let.

The application was presented to Committee because ~~an objection had been received from XX Parish Council.~~ ^{of the number} of objections received.

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the principle of development was considered acceptable having regard to the applicable policies. There would be no material harm caused to the character of the wider area, the amenity of neighbouring properties or the highway network. Suitable planning conditions shaped the development and therefore, it was considered to represent a sustainable form of development overall. For these reasons, it was recommended that planning permission be granted.

An addendum circulated at the meeting advised that an additional condition was proposed requiring that prior to the first occupation of the development, two sheds at the site were removed and the land on which they were located was returned to its previous condition in order to prevent encroachment into the open countryside.

Mrs Benson and Mr Heynes both addressed the Committee in opposition to the proposals.

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

The Committee therefore

Resolved that W/17/1534 be **granted** in accordance with the recommendations in the report and addendum, 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) 3638-2-1 REV C and 3638-401 and specification contained therein, submitted on 13th October 2017 and 17th August 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted 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 accordance with the approved details. **Reason:**

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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;

- (4) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (5) the development hereby approved shall only be used for holiday accommodation purposes and not for any other residential use falling within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Statutory Instrument revoking and re-enacting that Order with or without modification. For the avoidance of doubt 'any other residential use' includes a person's or persons' main residence, or a permanent residential unit of accommodation. **Reason:** To ensure that the holiday let unit is not used for permanent residential occupation which, given the open countryside location would represent an unsustainable form of development in accordance with Policy H1 of the Warwick District Local Plan 2011-2029;
- (6) the area shown as amenity land on plan number 3638 - 201 Rev C in a darker green shade shall be retained as amenity land in perpetuity. **Reason:** To ensure that the development does not encroach on the open countryside to an unacceptable extent in accordance with Policy DS18 of the Warwick District Local Plan 2011-2029; and
- (7) prior to the first occupation of the development, two sheds at the site were removed and the land on which they were located was returned to its previous condition in order to prevent encroachment into the open countryside.

PLANNING COMMITTEE MINUTES (Continued)

118. **W/17/1114 – 135 Chessetts Wood Road, Lapworth**

The Committee considered a resubmission of application W/16/2109 from Mr Smith for the demolition of the existing residential dwelling and associated outbuildings for a new detached dwelling house.

The application was presented to Committee because of the number of objections received including an objection from Lapworth Parish Council.

The officer was of the opinion that the proposed development would provide a replacement dwelling which consolidated the built form on this site within the Green Belt. Very special circumstances had been presented which were considered to be sufficient to outweigh any harm to the openness of the Green Belt. The proposed dwelling responded well to its surroundings in design terms and would not have a detrimental impact on the wider area.

The following people addressed the Committee:

- Mr Cobb, a chartered town surveyor representing a local resident who lived in Chessetts Wood Road and who objected to the application; and
- Ms Parkes, also a chartered town surveyor, representing the applicant.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Day that the application should be granted but with an additional condition for the removal of Permitted Development Rights to extend the property. This would mean that if a planning application would be necessary to increase the size of the building further.

The Committee therefore

Resolved that W/17/1114 be **granted** in accordance with the recommendations in the report, 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 amended drawings 280D and 281C, and specification contained therein, submitted on 7th November 2017. **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)

- (3) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted 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 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 – 2026;
- (4) prior to the occupation of the development hereby permitted, the first floor side windows in the northern elevation and the first floor window to the southern elevation serving the ensuite bathroom shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029; and
- (5) Permitted Development Rights to extend the property are removed.

119. **W/17/1470 – Land at Leamington Shopping Park, Tachbrook Park Drive, Warwick**

The Committee considered an application from Standard Life Investments UK Real Estate for the demolition of former garden centre structures and erection of three Class A1 retail units, provision of associated service yard and plant areas, reconfiguration and enlargement of parking areas, provision of trolley bay storage shelters and associated landscaping.

The application was presented to Committee because five or more letters of support had been received and the application was recommended for refusal.

The officer was of the opinion that the proposals did not satisfy the sequential or impact 'tests' set out in the NPPF and Local Plan Policy TC2 and would have caused unacceptable harm to the vitality and viability of town centres within the District. Furthermore the applicant had failed to submit sufficient information to demonstrate that the proposals would not have had unacceptable impacts in terms of increased traffic congestion,

PLANNING COMMITTEE MINUTES (Continued)

insufficient parking, insufficient servicing space and subsequent harm to highway safety. Therefore it was recommended that planning permission should be refused.

An addendum circulated at the meeting advised that no further information had been submitted in relation to highways matters and therefore the response from the Highways Authority remained one of objection.

Five further comments in support had been received, citing factors in support of the proposals.

Three objections had been received, raising the concerns in respect of the proposals.

Officers advised the Committee that an undertaking had been given that if the application was granted, the Marks & Spencer store on Parade, in Royal Leamington Spa would be kept open for a further two years. No such undertaking had been given for the Warwick store. They were also advised to consider the application on its planning merits, and not place heavy emphasis that M&S would have a store at the shopping centre because M&S could subsequently leave. Members were reminded that protecting the town centres was a key planning policy.

The following people addressed the Committee:

- Councillor Murphy, Warwick Town Councillor, speaking against the application; and
- Mr Waldren, speaking in support of the application.

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

The Committee therefore

Resolved that W/17/1470 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) Policy TC2 of the Warwick District Local Plan sets out a sequential approach to the location of new retail development, with a preference for town centre and then edge of centre locations. Evidence of the impact on the retail area of the town centre is required where the proposal is above 500 sq. m. This accords with the sequential and impact test in the NPPF.

The application site is situated in an out-of-centre location. There are sequentially preferable sites within Leamington and Kenilworth Town Centres that are available and suitable for the development proposed. Therefore the proposals fail the sequential test.

PLANNING COMMITTEE MINUTES (Continued)

In terms of impact, the proposals would harm shopper, retailer, developer and investor confidence in nearby town centres. Therefore the proposals also fail the impact test and would cause unacceptable harm to the vitality and viability of nearby town centres.

The proposals are therefore considered to be contrary to the aforementioned policies; and

- (2) Policy TR1 of the Warwick District Local Plan 2011-2029 states (amongst other requirements) that development proposals will be expected to demonstrate that they are not detrimental to highway safety. Meanwhile Policy TR2 states that large-scale developments that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic. Finally Policy TR3 states that development will only be permitted that makes provision for parking which, amongst other requirements, has regard to the location and accessibility of the site by means other than the private car and does not result in on-street parking detrimental to highway safety.

The Highway Authority has objected to the application on a number of grounds. This includes concerns about the methodology and modelling used in the Transport Assessment as well as concerns about the space available for turning within the service area. As a result, it has been concluded that the applicant has failed to submit sufficient information to demonstrate that the proposals would not have unacceptable impacts in terms of increased traffic congestion, insufficient parking, insufficient servicing space and subsequent harm to highway safety.

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

The meeting was adjourned by the Chairman at 8.05pm for 15 minutes.



120. **W/17/1829 – 41 The Fairways, Royal Leamington Spa**

The Committee considered an application from Mr Virk for the erection of a single storey rear extension, a two storey side and rear extension, a loft conversion including the erection of front and rear dormers, a garage

PLANNING COMMITTEE MINUTES (Continued)

conversion and the erection of pitched rooves over the garage and front entrance; the application of render and timber cladding to the existing elevations. This was a resubmission of application W/17/0044.

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

The officer was of the opinion that the application should be granted for reasons set out in the report.

An addendum circulated at the meeting advised that seven further objections had been received from six neighbours who had already objected and also from one new objector, reiterating points already made previously. A new issue had been raised about the effect of the proposed dormer windows in the Conservation Area.

A statement had been received from the applicant in support of their application had been sent directly to Committee Members that day.

The following people addressed the Committee:

- Miss Buckley, who lived in The Fairways and was speaking on behalf of all the residents that had made objections to the application; and
- Councillor Gifford, Ward Councillor, speaking in opposition the application.

The Head of Development Services confirmed that the application site did not fall within the Conservation Area, and whilst the Council did not encourage the installation of box dormer windows, they could be installed under permitted development rights within certain restrictions.

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

The Committee therefore

Resolved that W/17/1829 be **granted** in accordance with the recommendations in the report, 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 '1770-01', '1770-03', 'Existing Ground Floor Plan and Existing First Floor Plan' and 'Existing South East Elevation...Existing North East Elevation'

PLANNING COMMITTEE MINUTES (Continued)

submitted on 3rd October 2017 and '1771-04A' submitted on 23rd November 2017, 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.

121. **W/17/1830 – Priors Club, Tower Street, Royal Leamington Spa**

The Committee considered an application from Mr Dhesi for the demolition of the existing social club and the erection of a three storey building to include three HMO cluster flats to create 19 bedrooms for occupation as student accommodation.

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

The officer was of the opinion that the proposed residential development would be acceptable in principle and the proposals would not result in a harmful over-concentration of student accommodation in this locality to justify a refusal of planning permission. Furthermore, the proposals would provide a satisfactory living environment for future occupants and would preserve the character and appearance of the conservation area. Finally the proposals were considered to be acceptable in terms of car parking, highway safety and in terms of the protection of bats. Therefore it was recommended that planning permission was granted.

An addendum circulated at the meeting advised that four further objections had been received raising concerns about the concentration of student accommodation in the locality similar to the issues summarised in the main report to the Committee. They also cited appeal decisions elsewhere in the country where Inspectors had supported refusals on these grounds. Further concerns were raised in relation to crime and the impact on air quality.

Warwickshire County Councillor, Councillor Chilvers had also objected on the grounds that the proposals contravened Policy H6. He contended that there was no valid reason for an exception because this was not a main thoroughfare.

The following people addressed the Committee:

- Councillor Morrison, representing Royal Leamington Spa Town Council which objected to the application; and
- Councillor Quinney, District Councillor, speaking on behalf of Ward Councillor Naimo and the residents who objected to the application.

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

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/17/1830 be **refused** contrary to the recommendations in the report, because it conflicts with Policy H6 of the Warwick District Local Plan 2011-2029 in terms of percentage because of the impact on the character of the area.

122. W/15/0851 – Land at Grove Farm, Harbury Lane, Bishop’s Tachbrook

The Committee considered an application for a variation of a Section 106 Agreement in relation to the early transfer of land for a Country Parks, sustainable urban drainage system (SUDs) and Open Space. Planning Permission W/15/0851 was granted on 20 August 2015 and was subject to a Section 106 Agreement which imposed a range of obligations on the developer.

The officer was of the opinion that the provision of a country park on land to the south of a number of allocated residential sites to the south of Leamington Spa was a key strategic element of the Local Plan and within that context the proposal to bring land forward early to facilitate that was to be welcomed, as was the proposal to make the required financial infrastructure contributions at an early stage.

With regard to the early transfer of the SUDs, open space and play area land; there was a theoretical risk that following that transfer, the developer may not layout the open space and SUDs to the requirements of the Council as intended.

To ensure that this was not the case, the Agreement would continue to require the developer to do so, and to facilitate that, was proposed to be revised provide for the granting of a licence for the relevant parties to enter the land in question (which the Council would then own) to undertake the works.

Further it was proposed that the Agreement would also be varied to ensure that, in the circumstances where it was necessary, the developer would grant a licence to the Council to enter any adjacent land (which was in the developer’s ownership) to enable those works to be undertaken.

Finally, it was also proposed that the Agreement be varied to require the payment of a bond by the developer in order that in the circumstances that the works were not undertaken to the Council’s satisfaction, the Council was able to do so by default.

Following consideration of the report, presentation, it was proposed by Councillor Day and seconded by Councillor Mrs Bunker that the variation of the Section 106 Agreement was authorised.

The Committee therefore

Resolved that in respect of W/15/0851, the variation of the Section 106 Agreement is authorised as necessary to:

PLANNING COMMITTEE MINUTES (Continued)

- (1) facilitate the early payment of all financial contributions including the payment of commuted sums for maintenance;
- (2) facilitate the early transfer of the land for a country park; SUDs; open space and play area schemes;
- (3) enable access to land for the purpose of facilitating the implementation of SUDs; open space and play area schemes; and
- (4) provide for the payment of a bond to enable any works to be undertaken in default.

123. W/17/1612 – Woodside Farm, Harbury Lane, Bishop's Tachbrook

This application was withdrawn from the agenda.

124. W/17/1631 – Land to the North and South of the A45 (between Festival and Tollbar Junctions) and land at the A45/Festival Roundabout, and A46/Tollbar Roundabout and at junctions of A444 with the A4414/Whitley Roundabout, Coventry

The Committee considered an application from Jaguar Land Rover for the variation of conditions 5, 6, 7 & 28 of planning permission no. W16/0239 to provide for changes to the approved parameters plan, revised timings for the submission of the master plan and design code and an additional access onto Rowley Road. Planning permission no. W16/0239 was for a comprehensive development comprising offices, research and development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation and small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5).

The application was presented to Committee because it was recommended that planning permission is granted subject to the completion of a legal agreement and because an objection had been received from Baginton Parish Council.

The officer was of the opinion that the proposals would generate significant economic benefits. The proposed amendments would have an acceptable impact on the setting of the Lunt Fort Scheduled Ancient Monument and on the character and appearance of the area. Furthermore, the proposals would have an acceptable impact in relation to highway safety and would not generate additional traffic through Baginton village. Finally, it was considered appropriate for the masterplan and design code to be submitted with individual reserved matters applications. Therefore it was recommended that planning permission was granted for the variation of these conditions.

The conditions detailed in the report had been reproduced from the original grant of planning permission and therefore referred to policies included in the previous Local Plan. However, subject to the decision of the Committee and prior to any decision notice being issued, those references would be updated to refer to policies in the new Local Plan.

PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated at the meeting advised that Baginton Parish Council had submitted a further objection raising the following concerns:

- the proposals were completely at odds with the scheme that was granted outline permission, being far more visually intrusive;
- noise pollution from the mechanical and electrical plant;
- air pollution;
- no plans to prevent traffic through the village;
- there were no plans to build infrastructure before the development was due to start, leading to further traffic through the village;
- the Highway Authority was yet to agree to the proposals;
- the countryside park and landscaped bund should be in place before construction began;
- the Environmental Impact Assessment was no longer valid due to the changes in the scheme;
- contrary to the Neighbourhood Plan; and
- section 106 agreements seemed to constantly change at the whim of the developers.

The addendum also advised that Warwickshire County Council had no objection to the application, subject to conditions.

Officers also advised Members that following on from the publication of the addendum, a further objection had been received from Bubbenhall Parish Council, a copy of which had been sent via email to all Members of the Committee ahead of the meeting. The parish council was opposed to the proposed variation to the parameters plan to allow for increased height to the buildings on the western end of the Whitley south site, and for an additional access to the site from Rowley Road.

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

The Committee therefore

Resolved that W/17/1631 be **granted** in accordance with the recommendations in the report, and subject to conditions, listed below, and subject to the completion of a satisfactory section 106 agreement. Should a satisfactory Section 106 Agreement not have been completed by 14 December 2017, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

Conditions:

- (1) details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development (other than

PLANNING COMMITTEE MINUTES (Continued)

demolition or ground works) is commenced:-

- i) the layout of the phase and its relationship with existing adjoining development;
- ii) the scale of the buildings;
- iii) the appearance of the buildings; and
- iv) the landscaping of the site.

Reason: To comply with Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015;

- (2) application for approval of the matters referred to in Condition 1 above must be made within 5 years of the date of this permission. **Reason:** To comply with Section 92 of the Town & Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within 5 years of the date of permission or within 2 years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town & Country Planning Act 1990 (as amended);
- (4) prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:
 - i) a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Countryside Park and arrangements in respect of the phasing of all transportation infrastructure;
 - ii) temporary access arrangements for vehicles and pedestrians in respect of each phase;
 - iii) car parking arrangements in respect of each phase;
 - iv) any interim surface, boundary treatment, external lighting or landscaping measures;
 - v) a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air quality assessments and details of

PLANNING COMMITTEE MINUTES (Continued)

- further mitigation measures, if necessary); and
- vi) a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved. **Reason:** To ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies DP1, DP7 and DP8 of the Warwick District Local Plan 1996-2011;

- (5) in respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floor space shall be within the minimum and maximum limits set down in approved Parameters Plan drawing no. P16-0062-3E.
Reason: To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies DP1 and DP7 of the Warwick District Local Plan 1996-2011;
- (6) any Reserved Matters application shall, where relevant to that phase of development:
 - i) Demonstrate that the proposals accord with the approved Parameters Plan drawing no. P16-0062-3E and the principles set down in the Design & Access Statement Addendum forming part of the approved application documentation;
 - ii) Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
 - iii) Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
 - iv) Identify locations for public art features;
 - v) Show the location of each pond;
 - vi) Include design principles in respect of layout, scale, appearance and landscaping aimed at minimising its visual impact on the Lunt Roman Fort;
 - vii) Contain details on how permeability will

PLANNING COMMITTEE MINUTES (Continued)

- be achieved in respect of the network of estate roads within the technology campus;
- viii) Detail principles on how legibility will be achieved within the technology campus including design principles in respect of the new A45 bridge and land to the immediate south of it comprising the gateway into the development.
 - ix) Include landscape design principles for the technology campus aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Countryside Park and neighbouring land.
 - x) Contain principles in respect of disabled access throughout the development and to/from buildings.
 - xi) Detail principles on how crime prevention matters will be addressed in respect of the development.

Any subsequent Reserved Matters applications shall accord with the approved Master Plan and Design Code. **Reason:** In the interests of urban design in accordance with Policies DP1, DP14, DP15 and SC15 of the Warwick District Local Plan 1996-2011;

- (7) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels in that phase and the relationship with adjacent land and buildings and such details shall accord with approved Parameters Plan drawing no. P16-0062-3E forming part of the approved application documentation. **Reason:** In the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (8) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase, such details to include information on the recycled/reclaimed content of such materials.

PLANNING COMMITTEE MINUTES (Continued)

Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the local planning authority. **Reason:** In the interests of urban design in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (9) the gross floor space of any unit the primary use of which falls within Class B1(a) of the Town & Country Planning (Use Classes) Order 1987 as amended erected under this permission shall not exceed 4999 square metres. **Reason:** To ensure that the development does not prejudice the provision of large scale office accommodation in town centres in accordance with Policy UAP2 of the Warwick District Local Plan;
- (10) no building approved under this permission used primarily for purposes falling within Class A1 of the Town & Country Planning (Use Classes) Order 1987 as amended (or in any Order revoking and re-enacting that Order) shall exceed 250 square metres gross internal floor area. **Reason:** To safeguard the shopping strategies of the local planning authorities and to accord with Government Guidance in the NPPF which seeks to direct large scale retailing to Town Centre locations;
- (11) no car showroom floor space or floor space falling within Classes A1, A3, A4, A5 or C1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be occupied unless and until at least 8,500 square metres (GFA) of floor space falling within Use Class B1 of the said Order has been occupied within the technology campus. **Reason:** To ensure that the car showroom and other floor space falling within Use Classes A1, A3, A4, A5 and C1 is only provided when it is needed to serve the employment uses which primarily comprise the development approved under this permission in accordance with Policy UAP3 of the Warwick District Local Plan 1996-2011;
- (12) No more than 10% of the total B1 floor space shall be occupied for purposes falling within Class B1a of the Town & Country Planning (Use Classes) Order 1987 as amended. **Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in

PLANNING COMMITTEE MINUTES (Continued)

accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety and to ensure that the development is primarily a technology campus in accordance with the identified need;

- (13) the first 8,500 square metres (GFA) of floor space within the development shall be occupied by Jaguar Land Rover. No other buildings shall be occupied within the development until Jaguar Land Rover has fully occupied 8,500 square metres of B1 floor space within the technology campus. **Reason:** Since the particular requirements of Jaguar Land Rover form part of the very special circumstances for permitting this inappropriate development within the Green Belt, in accordance with the NPPF;
- (14) any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within 6 months of the substantial completion of development in that phase. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs 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 visual amenity in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (15) no demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural

PLANNING COMMITTEE MINUTES (Continued)

Implications Assessment. **Reason:** To safeguard those trees to be retained in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (16) the existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing by the local planning authority. All tree(s), hedge(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 trees and shrubs 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 Policy DP3 of the Warwick District Local Plan 1996-2011;
- (17) the construction of buildings and mounds within the technology campus shall be phased in strict accordance with the construction phasing plan (drawing no. 3924-1/004 P4). **Reason:** To ensure that the mounds provide screening for the development at the earliest opportunity, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (18) prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, will be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details. **Reason:** To ensure the sustainable management of the site's soil resource and to

PLANNING COMMITTEE MINUTES (Continued)

ensure that earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

(19) the development hereby permitted shall not exceed 70,683 square metres (GFA). Such development shall not exceed the following thresholds in respect of the specified uses as defined in the Town & Country Planning (Use Classes) Order 1987 as amended:

- 56,766 square metres (GFA) of B1 floor space;
- 4,645 square metres (GFA) of car showroom floor space;
- 11,617 square metres (GFA) of hotel floor space; and
- 2,300 square metres (GFA) of A1, A3, A4 and A5 floor space.

Reason: To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

(20) no development shall take place other than site preparation and earthworks until a scheme of traffic impact mitigation at the A46/A45/A444 Stivichall interchange, which shall comprise at least the following works, has been submitted to and approved in writing by the local planning authority:

- Signalisation of the on slip approach from the A444 to A45;
- Signalisation of the off slip west bound from the A45 and removal of segregated left turn lane;
- Realignment of traffic lanes on the circulatory carriageway;
- Realignment of kerbs on the approaches/circulatory carriageway.

The mitigation scheme shall be informed by an assessment of the traffic impacts at this junction and its associated interaction with the A46A45(T) with the scope of this assessment to have been first agreed in writing by the local planning authority. The mitigation scheme approved under this condition shall be



PLANNING COMMITTEE MINUTES (Continued)

implemented in strict accordance with the approved details. **Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

(21) no development shall take place other than site preparation and earthworks until the following details have first been submitted to and approved in writing by the local planning authority:

- i) Full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 15-0752-100 Rev 1 will align with Highways England's A45 Tollbar End Improvement scheme;
- ii) Full details of the proposed alterations to the A46 / Stoneleigh Road / Dalehouse Lane junction generally as illustrated on drawing number 15-0752-110;
- iii) Full details, of the proposed new A45 Grade Separated Junction as generally illustrated on General Arrangement Drawing Number 15-0752-100 Rev 1; and
- iv) Full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange.

The details to be submitted under this condition shall include:

- How the development scheme interfaces with the A45 / A46 trunk roads highway alignment, including full details as indicated within the design check list contained within HD19/15 of the Design Manual for Roads and Bridges (DMRB).
- Confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated British Standards and Eurocodes and Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the

PLANNING COMMITTEE MINUTES (Continued)

Highways Authority for the Strategic Road Network.

- Independent Stages One and Two Road Safety Audits carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. A Stage three RSA will be required prior to opening.
- Design stage Non-Motorised User Audit carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim Advice Notes (IANs).

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

Prior to the commencement of development, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition. **Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (22) prior to the commencement of development, other than site preparation and earthworks, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved



PLANNING COMMITTEE MINUTES (Continued)

under this condition. **Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (23) prior to the commencement of drainage works, details of the drainage strategy for the development site and highway works affecting the Strategic Road Network shall be submitted to and approved by the local planning authority. The drainage strategy shall ensure there is no connection (direct or indirect) to the trunk road drainage system. The drainage strategy shall thereafter be implemented in strict accordance with the approved details.

Reason: To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (24) no development shall commence other than site preparation and earthworks until full details of the site access provisions, in general accordance with drawing nos. THDA SK12 Rev C, THDA 15-0752 101 Rev 1 & THDA 15-0752 102 Rev 1, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

- (25) no development shall commence, other than site preparation and earthworks, until a scheme of mitigation for the A46/Stoneleigh Road/Dalehouse Lane Interchange, in general accordance with drawing no. THDA 15-0752 110, has been submitted to and approved in writing by the local planning authority. Thereafter the mitigation scheme shall be implemented in strict accordance with the approved details and permanently retained thereafter. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (26) no construction shall commence in each phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;
- (27) access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;
- (28) no development shall commence other than site preparation and earthworks until details of the proposed accesses onto Rowley Road, in general accordance with drawing no. THDA 15-0752 106 and PHP Architects Illustrative Development Plan 3924-1 002 rev P8, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in accordance with the approved plans and permanently retained thereafter. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;
- (29) no construction shall commence on site until a detailed Highway Improvement Works Phasing Plan and Construction Sequence Programme/Timetable, linked to the extent of built floor space, and generally in accordance with Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 and PHP Architects Construction Phasing Plan Including Highways and Earthworks 3924-1 004 rev P3 has been submitted to and approved in writing by the local planning authority. Thereafter the phasing of development shall be undertaken in full accordance with these approved details. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the

PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 1996-2011;

(30) no more than 46,450 square metres (GFA) of development falling within Use Class B1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be brought into use and occupied until the Phase 2 site access highway works as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 have been constructed in general accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation and is opened to traffic. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

(31) the construction of any highway structure as identified on TH:DA Drawing No. 15-0752 140 (Structures Location Plan) shall be undertaken only in full accordance with details, which shall include an approval in principle report, which have previously been submitted to and approved in writing by the local planning authority. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

(32) no highway works approved as part of the development shall be undertaken unless and until:

- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
- ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time;

in respect of those highway works, have been submitted to and approved in writing by the local planning authority. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(33) street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycleways in full

PLANNING COMMITTEE MINUTES (Continued)

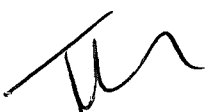
accordance with details previously submitted to and approved in writing by the local planning authority. **Reason:** In the interests of highway, pedestrian and cyclist safety in accordance with Policies DP6 and SC4 of the Warwick District Local Plan 1996-2011;

- (34) at all times following the completion and opening to traffic of the phase 3 highway works in respect of the new A45 junction between the Festival and Toll Bar Islands, as illustrated on Lawrence Walker Ltd Drawing no. Figure 2 Rev P27 (Site Access Proposed Improvements Phasing) signage, traffic signal or other traffic management arrangements shall be in place on Rowley Road in accordance with details previously submitted to and approved in writing by the local planning authority to discourage vehicles exiting the development from utilising the roundabout element of the completed Highways Agency Tollbar End Improvement Scheme in order to access the strategic highway network.
Reason: In the interests of promoting the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (35) no building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:

- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
- ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
- iii) Covered cycle and motorcycle parking; and
- iv) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times. **Reason:** In the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in



PLANNING COMMITTEE MINUTES (Continued)

accordance Policies DP6, DP8 and SC4 of the Warwick District Local Plan 1996-2011;

- (36) the number of car parking spaces to be provided within the application site in respect of the development hereby permitted shall not exceed 2,500, of which a maximum of 500 shall be allocated for visitors and no more than 2,000 for the employees of the development. Provided the above limits are not exceeded, car parking shall be provided in accordance with the standards for low accessibility zones set out in the Council Vehicle Parking Standards Supplementary Planning Document.

Reason: In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies DP6, DP7 and DP8 of the Warwick District Local Plan 1996-2011;

- (37) prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy. **Reason:** In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies DP6, DP7 and DP8 of the Warwick District Local Plan 1996-2011;

- (38) the reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit. **Reason:** To promote sustainable transport choices in accordance with Policy SC4 of the Warwick District Local Plan 1996-2011;

- (39) no development other than site preparation and earthworks shall take place until a surface water drainage scheme for the site, based on

PLANNING COMMITTEE MINUTES (Continued)

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. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 plus 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- i) Full drainage calculations for a range of events (Microdrainage windes or similar)
- ii) Construction details for the ponds/swales
- iii) Details of how the scheme will be maintained and managed after completion.

Reason: To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (40) the development hereby permitted (other than site preparation and earthworks) shall not be commenced until such time as a scheme to provide details of the proposed bridges and bridge extensions has been submitted to, and approved in writing by, the local planning authority. The scheme shall include construction details, details of bridge openings and details of any floodplain compensatory works. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements in the scheme, or any alternative arrangements as may subsequently be agreed, in writing, by the local planning authority. **Reason:** To ensure the bridges and bridge extensions are constructed to a satisfactory standard and will not increase flood risk elsewhere in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (41) the development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment (dated



PLANNING COMMITTEE MINUTES (Continued)

15/01/16, ref: WHI-BWB-EWE-XX-RP-EN-0001_FRA Rev C, prepared by BWB Consulting) and the following mitigation measures detailed within the Flood Risk Assessment:

- Finished floor levels to be set no lower than 600mm above the 1 in 100 year +20% flood level and at least 150mm above average surrounding ground level as recommended in Table 5.1.
- Provision of floodplain compensation for the new River Sowe bridge on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 7,199m³.
- Provision of floodplain compensation for the proposed A46 slip road crossing on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 2,263m³.

Reason: To ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (42) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within Flood Zone 3 or the bridge and embankment floodplain compensation areas as delineated on drawing ref: WHI-BWB-EWE-XX-SK-EN-0010, S2, rev P1 (Masterplan showing Flood Zones). **Reason:** To ensure the bridges and bridge extensions will not increase flood risk elsewhere in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (43) The reserved matters submitted under Condition 1 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase. Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use. **Reason:** To ensure that the development is provided with a satisfactory

PLANNING COMMITTEE MINUTES (Continued)

means of foul sewage drainage in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

- (44) no development shall take place until a scheme for the provision and management of compensatory habitat creation, to compensate for the impact of the proposed development on the River Sowe, has been submitted to and agreed in writing by the local planning authority. This should include an investigation into the feasibility of river bank and floodplain restoration. Thereafter the development shall be implemented in accordance with the approved scheme. **Reason:** To ensure that harm resulting from the development can be adequately mitigated in accordance with Paragraph 118 of the NPPF;

- (45) For the duration of highway construction works on Rowley Road and thereafter at all times following the completion of those highway works access for the Midland Air Museum to and from Rowley Road shall be maintained in accordance with details submitted to and approved in writing by the local planning authority. **Reason:** To safeguard this cultural facility;

- (46) the development hereby permitted shall not be commenced on the site occupied by Trinity Guild RFC unless and until:

- i) the Trinity Guild RFC have moved to a new site and playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities have been provided for the club on that site which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site in accordance with details submitted to and approved in writing by the local planning authority in consultation with Sport England and;
- ii) those playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities on that new site are available for use by the club.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use and to accord with the NPPF;



PLANNING COMMITTEE MINUTES (Continued)

- (47) no development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently 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 where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;

- (48) no part of the development hereby permitted shall be occupied until:

- i) details of measures to prevent illegal road racing or other anti-social or dangerous use of the roads within the development have been submitted to and approved in writing by the local planning authority; and
- ii) the measures approved under i) have been implemented in strict accordance with the approved details in relation to that part.

Reason: To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy DP14 of the Warwick District Local Plan;

- (49) no part of the development hereby permitted shall be occupied until ANPR cameras have been provided in accordance with a scheme submitted to and approved in writing by the local planning authority. The ANPR equipment shall comply with the ACPO ANPR standards and with the information security requirements of Warwickshire Police. Warwickshire Police shall be provided with access to the live feeds from the ANPR cameras at all times thereafter.

Reason: To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy DP14 of the Warwick District Local Plan 1996-

PLANNING COMMITTEE MINUTES (Continued)

2011;

(50) fume extraction and odour control equipment (including external ducting flues) associated with any catering operation shall be properly installed in its entirety in accordance with details first submitted to and approved in writing by the local planning authority and such installation shall have been inspected by the local planning authority before that catering operation commences. Any external ducting shall be colour coated in accordance with the approved details within one month of its installation and any replacement or modification shall be colour coated to match within one month of its installation. The equipment shall be permanently operated and maintained in accordance with the manufacturer's specifications. **Reason:** In the interests of amenity in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

(51) noise arising from any plant or equipment within the application site, when measured one metre from the façade of any residential property, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). 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 Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(52) none of the buildings hereby permitted shall be first occupied until:

- i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted to and approved in writing by the District Planning Authority; and
- ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

PLANNING COMMITTEE MINUTES (Continued)

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter.

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (53) the Construction Management Plan to be submitted under Condition 26 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities.

Reason: In the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies DP2, DP6, DP7 and DP9 of the Warwick District Local Plan 1996-2011;

- (54) no development shall take place on any phase of development until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan;

- (55) no development shall take place on any phase of the development until:

- i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;
- ii) a site investigation has been undertaken in accordance with details approved by the local planning authority using the information obtained from the preliminary risk assessment;

PLANNING COMMITTEE MINUTES (Continued)

- iii) 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 and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

No remediation should be undertaken before the method statement has been so approved. The approved remediation requirements shall thereafter be implemented in full and all development of the site shall accord with the approved method statement. **Reason:** To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

- (56) if, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall thereafter be implemented. **Reason:** To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

- (57) no phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for

PLANNING COMMITTEE MINUTES (Continued)

contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

Reason: To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

(58) no recycled aggregate shall be imported to any part of the application site to be used in the construction of the development hereby permitted until:

- i) a scheme of validation sampling has been submitted to and approved in writing by the local planning authority; and
- ii) the recycled aggregate has been sampled in accordance with the scheme approved under i) and the results of the sampling have been submitted to and approved in writing by the local planning authority.

Reason: To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

(59) no infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local planning authority. This consent will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. **Reason:** To protect controlled waters and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

(60) construction work shall not begin on any phase of the development hereby permitted 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 District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development. **Reason:** In the interests of fire


PLANNING COMMITTEE MINUTES (Continued)

safety in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

(61) no development shall commence on any phase of the development hereby permitted, other than site preparation and earthworks, until a lighting scheme for that phase of the development, excluding street lighting, has been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011; and

(62) no work shall commence on any of the buildings permitted under this outline planning permission and any subsequent reserved matters approval unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials, has been submitted to and approved in writing by the local planning authority. No building shall be first occupied until all the works within this scheme in respect of that building have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's 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.

125. **W/17/1729 – Land to the North and South of the A45 (between Festival and Tollbar Junctions) and land at the A45/Festival Roundabout, and A46/Tollbar Roundabout and at junctions of A444 with the A4414/Whitley Roundabout**



The Committee considered an application from Jaguar Land Rover for the approval of reserved matters in relation to appearance, landscaping, layout and scale under outline planning permission no. W16/0239 for Phase 1A of

PLANNING COMMITTEE MINUTES (Continued)

the approved development comprising two buildings for Class B1(b) research and development use totalling 19,225 square metres GFA floor space plus 696 square metres GFA floor space of ancillary energy centre, substations and pump room; provision of 1,031 associated car parking spaces and associated soft and hard landscaping..

The application was presented to Committee because of the number of objections received, including an objection from Baginton Parish Council.

The officer was of the opinion that the proposals would generate significant economic benefits. Furthermore the scheme would have an acceptable impact on the setting of the Lunt Fort Scheduled Ancient Monument and on the character and appearance of the area. In addition, the proposals were considered acceptable in relation to car parking and highway safety and would not generate additional traffic through Baginton village. Therefore it was recommended that the reserved matters application was approved..

An addendum circulated at the meeting advised that a revised landscaping plan had been submitted to address the concerns of Warwickshire County Council Landscape, following receipt of which, the County Council advised that it did not object. County Highways also advised that it had no objections to the proposals, subject to conditions.

Baginton Parish Council had sent a further objection raising the following concerns:

- the proposals were completely at odds with the scheme that was granted outline permission, being far more visually intrusive;
- noise pollution from the mechanical and electrical plant;
- air pollution;
- no plans to prevent traffic through village;
- there were no plans to build infrastructure before the development was due to start, leading to further traffic through the village;
- the Highway Authority was yet to agree to the proposals;
- the countryside park and landscaped bund should be in place before construction began;
- the Environmental Impact Assessment was no longer valid due to the changes in the scheme;
- contrary to the Neighbourhood Plan; and
- section 106 agreements seemed to constantly change at the whim of the developers.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Mrs Bunker and seconded by Councillor Gifford that the application should be approved.

The Committee therefore

Resolved that reserved matters application W/17/1729 be **approved** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the

PLANNING COMMITTEE MINUTES (Continued)

details shown on the site location plan and approved drawing(s) JLRTP-CRL-SW-XX-AR-AR-0003A-P02, JLRTP-CRL-AA-00-DR-AR-1200A-P01, JLRTP-CRL-AA-01-DR-AR-1200A-P01, JLRTP-CRL-AA-02-DR-AR-1200A-P01, JLRTP-CRL-AA-RP-DR-AR-1200A-P01, JLRTP-CRL-10-RL-DRG-A-1341A, JLRTP-CRL-10-ZZ-DRG-A-2000, JLRTP-CRL-BB-00-DR-AR-2000A-P01, JLRTP-CRL-BB-01-DR-AR-2000A-P01, JLRTP-CRL-BB-02-DR-AR-2000A-P01, JLRTP-CRL-BB-RP-DR-AR-2000A-P01, JLRTP-CRL-SW-ZZ-DR-AR-3000A, JLRTP-CRL-AA-ZZ-DR-AR-4000, JLRTP-CRL-BB-ZZ-DR-AR-4000, JLRTP-CRL-BB-ZZ-DR-AR-4001, JLRTP-IJLA-SW-ZZ-DR-LA-10103-P02, the Jaguar Land Rover Technology Park Phase 1A Indicative Plant Schedule, and the Design Statement ref. P16-0062, and specification contained therein, submitted on 15 September 2017, 23 November 2017 & 24 November 2017.

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

- (2) unless otherwise agreed in writing by the local planning authority and in consultation with Highways England, there will be no permanent or temporary structures erected, or other measures of control implemented, that are capable of obstructing vehicular access in to the site. For the avoidance of doubt, this would include the provision of gates, barriers or other physical or non-physical obstructions. There shall be no impediments to the free flow of traffic into the site. **Reason:** To maintain the safe and efficient flow of traffic into the site, in accordance with Policy TR1 of the Warwick District Local Plan.

126. **W/17/1752 – 32 Hamilton Terrace, Royal Leamington Spa**

The Committee considered an application from Mrs Reynolds for a change of use from office (B1) to non-residential institution (D1).

The application was presented to Committee because the application site was owned by the District Council.

The officer was of the opinion that the principle of development, on balance, was considered to be acceptable, having regard to all of the supporting information advanced by the applicant and assessment of the relevant and material considerations. It was not considered that the development would result in any visual harm to the character of the area or the street scene and the absence of any physical works proposed to the building means that there would be no harm to the significance of the

PLANNING COMMITTEE MINUTES (Continued)

designated heritage assets, namely the Grade II listed building and the Royal Leamington Spa Conservation Area. There would be no harm caused to the amenity of neighbouring buildings and/or other land uses and there was sufficient parking provision for the use proposed. For these reasons it was recommended that planning permission be approved.

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

The Committee therefore

Resolved that W/17/1752 be **granted** in accordance with the recommendations in the report, 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 titles 'Basement', 'Ground Floor', 'First Floor', 'Second Floor' and 1:250 Parking Plan and specification contained therein, submitted on 20 September 2017. **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) the premises shall be used only as the specified training/education facility within Use Class D1 and for no other purpose within Use Class D1. **Reason:** In the interests of visual and neighbouring amenity as well as highway safety in accordance with Policies BE1, BE3 and TR1 of the Warwick District Local Plan 2011-2031.

127. W/17/1823 – 56 Lower Cape, The Cape, Warwick

This application was withdrawn from the agenda.

128. 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.

PLANNING COMMITTEE MINUTES (Continued)

(The meeting ended at 9.47pm)

These minutes were signed on 9th January
2018

CHAIR
9 January 2018

