

# Planning Committee

Minutes of the meeting held on Tuesday 23 April 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Cooke (Chairman); Councillors, Boad, Barrott, Mrs Bunker, Day, Mrs Evetts, Heath, Mrs Hill, Mrs Stevens and Weed.

**Also Present:** Democratic Services Manager & Deputy Monitoring Officer – Mr Leach; Legal Advisor – Mrs Gutteridge; Development Services Manager– Mr Fisher; and Senior Planning Officer – Mr Charles.

## 199. **Apologies and Substitutes**

(a) An apology for absence was received from Councillor Ashford.

(b) Councillor Mrs Evetts substituted for Councillor Morris.

## 200. **Declarations of Interest**

Minute Numbers 206 & 207 – W/19/0104 & W/19/0105 LB – 1 Clarendon Place, Royal Leamington Spa

Councillor Day declared an interest because the applicant was a good friend of his and therefore withdrew from Committee for the determination of this item.

Minute Number 208 – W/19/0387 – 20 Warwick Place, Royal Leamington Spa

Councillor Mrs Evetts explained that she had considered this application at Royal Leamington Spa Town Council which had objected to the application. However, she considered herself to only be predisposed because she wanted to consider the officers' report, presentation and representations before determining the application.

## 201. **Site Visits**

There were no site visits but Councillor Barrott informed the Committee that he had visited the site of W/18/2425 – Land adjacent 21 Wellesbourne Road, Barford as it was local to him.

## 202. **Minutes**

The minutes of the meeting held on 26 March 2019 were taken as read and signed by the Chairman as a correct record.

## 203. **W/19/0059 – The Castle Pavilion, Castle Road, Kenilworth**

An addendum circulated at the meeting advised that the application was withdrawn by the applicant.

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

### **204. W/19/0148 – 17 Stoneleigh Close, Stoneleigh**

The Committee considered an application from Mr and Mrs Allard for an increase in ridge height by 1.4 metres to provide first floor accommodation and repositioned chimney.

The application was presented to Committee because comments in support had been received from five members of the public and Stoneleigh and Ashow Parish Council, and the application was recommended for refusal.

The officer was of the opinion that the proposal would constitute a 64.5% increase in the floor area of the house as originally built and would add a whole additional floor of development. It was therefore considered to result in disproportionate additions which were inappropriate within the Green Belt, harmful by definition, and by reason of harm to openness. The addition of the first floor would substantially increase the bulk and mass of the dwelling. Therefore, the proposals were contrary to the NPPF and Local Plan Policies DS18 and H14.

An addendum circulated at the meeting advised that an additional comment had been received from Councillor Mrs Redford advising that both 16 and 24 Stoneleigh Close had planning applications approved, with greater percentage increases than the applicant was asking for, and in Councillor Mrs Redford's opinion, the proposed extension would have far less of a visual impact on the wider area.

The following people addressed the Committee:

- Mr Patel, Ms Cashmore and Mrs Allard, who addressed the Committee in support of the application; and
- Councillor Mrs Redford, Ward Councillor, who spoke 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 Boad and seconded by Councillor Mrs Bunker that the application should be refused.

The Committee therefore

**Resolved** that W/19/0148 be **refused** in accordance with the recommendations in the report, because The application property is within the Green Belt, wherein the Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national policy guidance contained in the NPPF which states that the limited extension of existing dwellings in Green Belt areas may be appropriate provided that it does not result in a disproportionate addition over and above the size of the original dwelling. Policy H14 of the Warwick District Local Plan 2011-2029 defines disproportionate as in excess of 30% of the floor area of the original dwelling.

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

The proposals would constitute a 64.5% addition to the floor area of the house as originally built and would add a whole additional floor of development. It is therefore considered to result in disproportionate additions which are inappropriate within the Green Belt, harmful by definition, and reducing the openness of the Green Belt.

It is considered that the proposed development would radically alter the scale and character of the original dwelling, thus constituting an undesirable extension and consolidation of a residential property likely to affect detrimentally the character of this rural locality, thereby constituting inappropriate development conflicting with the aims of Green Belt and Local Plan policy.

No very special circumstances have been presented which outweigh the harm identified.

### **205. W/19/0327 – Pinners Cottage, Old Warwick Road, Lapworth**

The Committee considered an application from Mr Fernie for the erection of a single storey side extension.

The application was presented to Committee on the request of Councillor Gallagher.

The officer was of the opinion that the proposed development would represent a disproportionate addition to the application property which therefore meant that the proposal constituted inappropriate development in the Green Belt which was harmful by definition. It would also be harmful by reason of harm to openness.

An addendum circulated at the meeting advised that the applicants indicated that the proposed extension would have been permitted development prior to the adoption of the Canal Conservation Area in January 2019. This statement was supported by the lawful development certificate which they obtained in 2018 for the same extension as it was now proposed. However, at the time the lawful development certificate was issued, the extension was permitted development, but it was never implemented. The proposed extension now required full planning permission and therefore needed to be assessed against local and national planning policy.

The following people addressed the Committee:

- Mr Kennedy, speaking in support of the application; and
- Councillor Gallagher, Ward Councillor, 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 Boad that the application should be refused.

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

The Committee therefore

**Resolved** that W/19/0327 be **refused** in accordance with the recommendations in the report, because in the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

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

### **206. W/19/0104 – 1 Clarendon Place, Royal Leamington Spa**

The Committee considered an application from Mr Hain for the erection of a single storey rear extension and alterations (amendment to planning permission reference W/18/0320).

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

The officer was of the opinion that the proposed extension was considered to over-dominate the existing Listed Building by reason of its overall depth at 7m and was therefore not considered to respect the character of this listed building.

Mr Hain, the applicant addressed the Committee.

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

The Committee therefore

**Resolved** that W/19/0104 be **refused** in accordance with the recommendations in the report, because Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, Policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed extension would be detrimental to the

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

character and appearance of both the building itself and the Conservation Area as a whole, by reason of its excessive depth and design.

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

### **207. W/19/0105 LB – 1 Clarendon Place, Royal Leamington Spa**

The Committee considered an application from Mr Hain for the erection of a single storey rear extension and alterations (amendment to Listed Building Consent reference W/18/0321 LB).

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

The officer was of the opinion that the proposed extension was considered to over dominate the existing Listed Building by reason of its overall depth at 7m and was therefore not considered to respect the character of this listed building.

Mr Hain, the applicant addressed the Committee.

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

The Committee therefore

**Resolved** that W/19/0105 LB be **refused** in accordance with the recommendations in the report, because Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, Policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed extension would be detrimental to the character and appearance of both the building itself and the Conservation Area as a whole, by reason of its excessive depth and design.

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

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

### **208. W/19/0387 – 20 Warwick Place, Royal Leamington Spa**

The Committee considered an application from Mrs Meakin for the erection of a two storey rear extension, single storey rear extension; the erection of a front garden wall and gates with hardstanding for parking.

The application was presented to Committee because an objection had been received from Royal Leamington Spa Town Council.

The officer's report gave an assessment on the following issues and concluded compliance with all relevant policies:

- impact on the amenity of neighbouring uses;
- design and Impact on designated heritage assets;
- the impact on highway safety; and
- ecology and protected species.

Councillor Knight, representing Royal Leamington Spa Town Council, addressed the Committee in objection to the application.

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

The Committee therefore

**Resolved** that W/19/0387 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 9/11/1702-REV H, and specification contained therein, submitted on 08/03/2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
  - (3) gates erected or retained at the entrance to the site for vehicles shall be hung so as to open inwards. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and
  - (4) all external facing materials for the development hereby permitted shall be of the
- Item 6 / Page 6

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

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.

### **209. W/19/0183 – 1 Convent Close, Kenilworth**

The Committee considered an application from Mr Barr for the demolition of the existing car port and the erection of a single storey rear and side and two storey rear extension.

The application was presented to Committee because an objection had been received from Kenilworth Town Council.

The officer was of the opinion that the proposed development complied fully with the Kenilworth Neighbourhood Plan policy KP13 B & C (general design principles), the Warwick District Council Local Plan Policies BE1 and BE3 and Warwick District Council's adopted Parking Standards and Residential Design Guide. It was therefore recommended that Planning Committee should approve this application.

An addendum circulated at the meeting advised that the officer's report referred to the site backing onto number 3 Convent Close. This, however, was an error and the site backed onto number 2 Convent Close.

The following people addressed the Committee:

- Councillor Illingworth, representing Kenilworth Town Council, which objected to the application; and
- Mr Barr, the applicant.

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

The Committee therefore

**Resolved** that W/19/0183 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 drawings 1836/P/01C, 1836/P/02A, 1836/P/03B and 1836/P/04A and specification contained therein, submitted on 19/03/2019.

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

**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

At this point, 7.55pm the Chairman adjourned the meeting for a comfort break to 8.10pm.

### **210. W/19/0147 – 10 Inchbrook Road, Kenilworth**

The Committee considered an application from Mr Connors for the erection of a single storey rear and front extension; raised roofline by 0.7m with one front and two rear facing dormer and the addition of five Velux roof lights.

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

The officer was of the opinion that the proposals would positively impact the character and quality of the street scene as well as being designed in such a way which had reduced the impact on the amenity of neighbouring uses to an acceptable level considering the characteristics of the immediate area. The proposals complied with local plan policies BE1 and BE3, Kenilworth neighbourhood plan policy KP13 (general design principles) and Warwick District Council's residential design guide therefore it was recommended that Planning Committee should grant this application.

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

The Committee therefore

**Resolved** that W/19/0147 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 22/11/18-02 Rev C, and specification contained therein, submitted on  
Item 6 / Page 8



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

28/02/2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and

- (3) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

### **211. W/18/2086 – 36 Waverley Road, Kenilworth**

The Committee considered an application from Mr and Mrs Clarke for a proposed single storey rear extension for a replacement sun room.

The application was presented to Committee because an objection had been received from Kenilworth Town Council.

The officer was of the opinion that the proposals would not lead to a significant level of harm to the amenity of neighbouring uses over and above that of the existing conservatory and when considering the permitted development fall-back. In addition to this the design of the proposal was compliant with Local Plan Policies HE1, BE1 and NE2. Therefore, it was recommended that this application should be granted.

Councillor Illingworth, representing Kenilworth Town Council's objection to the application, addressed the Committee.

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

The Committee therefore

**Resolved** that W/18/2086 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  
Item 6 / Page 9

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

details shown on the site location plan and approved drawing 3032 02, and specification contained therein, submitted on 29/10/2018 and approved drawings 3032-01B and 3032-03B and specification contained therein, submitted on 15/02/2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029; and
- (4) all window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.

### **212. W/18/2331 – 25 Mill Street Warwick**

The Committee considered an application from Mr and Mrs Stephenson for the proposed demolition of the existing garage and the erection of a replacement garage and car port with a workshop above.

The application was presented to Committee because an objection had been received from Warwick Town Council.

The officer was of the opinion that the proposed development did not significantly impact the material integrity, character or appearance of the Listed property or its setting within the Conservation Area and would not have a materially greater impact than the scheme already approved in 2007. Furthermore, it was considered that the proposal would have no detrimental impact on neighbouring residential amenity which would warrant a reason for refusal of the application.

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

The Committee therefore

**Resolved** that W/18/2331 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
- Item 6 / Page 10

## PLANNING COMMITTEE MINUTES (Continued)

permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1604-7, submitted on 26th February, 2019 and amended drawings 1604-2E, 1604-4D and specification contained therein, submitted on 28th February, 2019 and amended drawing 1604-5E submitted on 6th March, 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation (Arboricultural Impact Assessment from Barton Hyett Arboricultural Consultants) have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;
- (4) no development shall be carried out above slab level unless and until samples of the external facing materials (including roofing materials, bricks and rainwater goods) to be used have

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

been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; and

- (5) no development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.  
**Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

### **213. W/18/2425 – Land adjacent to 21 Wellesbourne Road, Barford**

The Committee considered a retrospective application from Mr Close for a change of use of land from a site previously approved as part of a wider development (reference W/15/1294) to domestic garden land associated with 21 Wellesbourne Road and retention of the garden shed and log store.

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

The officer was of the opinion that the proposals had been carefully considered against all the material considerations and against comments received from neighbours and consultees, including the Joint Parish Council, and found to be acceptable for the reasons set out in the report.

It was recommended, therefore, that planning permission should be granted.

An addendum circulated at the meeting advised of an additional representation being received from the owner of Barford House, responding to a number of matters in the officer report:

- There was no dispute as to the status of the parkland boundary which was shown on historic maps and on approved plans in 2014.
- The wooden fence replaced a historic iron fence and was within parkland.
- The site lay outside Area A1 in the BNP because of a drafting error. Public consultation documents showed the site within the Area.

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

- The application presented to the public for consultation did not include the retention of log shed store for comment and so it should be removed.
- Trees at Barford House were outside the application site and should not be relied upon to provide screening of the listed building. Having to retain them would restrict restoration of the historic gardens.

In response, officers provided the following comments:

- To clarify, the site was included within the application site for the development of the adjacent houses and within the seeded parkland as shown in the approved landscape plan for that application. However, the assessment of this issue remained as set out in the officers' report.
- The erection of the timber fence by the developers of the adjacent housing site, replacing a metal fence, was noted, but was a separate enforcement matter.
- The extract in the 'made' Barford Neighbourhood Plan showed the site outside Area A1 and was, therefore, definitive.
- The erection of the log shed store was noted at the officers' site visit and it was suggested that permission would need to be sought to regularise this, along with the shed on the site. However, as no details had been provided in the submitted application and therefore, no opportunity for public comment, it was agreed that this should be removed from the description. It was recommended that an appropriate advisory note to applicant should be added to the recommended decision.
- The determination of the application could only be made on the basis of the current circumstances at the site and its surroundings. It was not considered that a favourable recommendation would necessarily have any bearing on, or restriction of, future landscape works at Barford House.

The following changes to the officer report were therefore recommended: The reference to '*and log store*' should be removed from the Description of Development, and the following Note to applicant should be added:

*Notwithstanding this retrospective grant of planning permission, the applicant is advised that the existing log store within the application site remains unauthorised and should be removed, unless a planning application seeking its retention is subsequently submitted and approved by the local planning authority.*

On a point of clarification, the report stated that Barford House was listed as a Locally Important Park and Garden in the Local Plan (Policy HE2 para. 5.173) but that the boundary was not yet formally defined. However, this was incorrect and a defined boundary was, in fact, approved under an Executive Report dated 16 April 2014. The application site fell partly within this boundary, but not wholly. Notwithstanding this, the assessment of the key issues remained as set out in the officers' report.

The addendum also advised that additional historic information had been submitted by the applicant, including historic maps. However, this did not change the assessment as set out in the officers' report.

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

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

The Committee therefore

**Resolved** that W/18/2425 be **granted** in accordance with the recommendations in the report and addendum, subject to the two following conditions and a note to the applicant:

- (1) the development hereby permitted relates strictly to the details shown on the site location plan and approved drawing no. CLOSE 01B submitted on 22 January 2019 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy B6 of the Barford Neighbourhood Plan 2016 and Policies BE1, BE3, HE1 and HE2 of the Warwick District Local Plan 2011-2029;
- (2) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwelling house hereby permitted **Reason:** That having regard to the design, layout and general nature of the land it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the setting of the Listed building or character of the Conservation Area. Therefore, no additional development is to be carried out without the permission of the local planning authority in accordance with Policies BE1, BE3, HE1 and HE2 of the Warwick District Local Plan 2011-2029; and
- (3) A note to the applicant that: Notwithstanding this retrospective grant of planning permission, the applicant is advised that the existing log store within the application site remains unauthorised and should be removed, unless a planning application seeking its retention is subsequently submitted and approved by the local planning authority.

### **214. W/18/2447 – Land Adjacent Mallards Reach, Barford Road, Barford**

The Committee considered an application from Mr Khera for a new vehicle entrance, gates and fencing associated with a new dwelling (under

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

construction) approved under reference W/16/1221 and amended by W/17/2336.

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

The officer was of the opinion that the proposals had been carefully considered against all the material considerations and against comments received from neighbours and consultees, including the Joint Parish Council, and found to be acceptable for the reasons set out in the report.

Accordingly, the proposals were considered to comply with the policies contained in the Development Plan and the National Planning Policy Framework.

It was recommended, therefore, that planning permission should be granted, subject to the conditions as set out in the report.

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

The Committee therefore

**Resolved** that W/18/2447 be **granted** 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 details shown on the site location plan and approved drawings 1170-0502-01 and 093/SK01 Rev C as approved under application ref. W/16/1221 and 1170-0503-04, 1170-0504-04, 1170-0501-04, 1170-0506-04, 1171-0507-04, 1170-0505-03, 1170-0512-01 submitted on 12th December 2017 and 1170-0514-02 submitted on 15th January 2018 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;
- (2) the entrance, gates and fencing hereby permitted shall be carried out only in full accordance with sample details of the bricks which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

- (3) other than the entrance, gates and fencing hereby permitted, the development shall otherwise be carried out only in full accordance with the sample details of the facing and roofing materials which were submitted to and approved in writing by the local planning authority on 06/02/2018 under Condition 3 of planning permission no. W/16/1221. **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) notwithstanding the submitted details, the development shall not be occupied until visibility splays have been provided to the vehicular access 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 43 metres to the right and 120 metres to the left to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway and measures not less than 3 metres wide. **Reason:** To ensure that a satisfactory access is provided in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029;
- (5) the scheme for the protection of all existing trees and hedges to be retained on site, as required by Condition 5 of planning permission W/16/1221, shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place in these areas. **Reason:** In order to protect and preserve existing trees and mature landscaping within the site which are of amenity value in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;



## PLANNING COMMITTEE MINUTES (Continued)

- (6) the development hereby permitted shall only be undertaken in strict accordance with the drainage details that were submitted to and approved in writing by the local planning authority on 06/03/2018 under Condition 6 of planning permission no. W/16/1221. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW2 & NE4 of the Warwick District Local Plan 2011-2029;
- (7) the development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the drawings approved under planning permission W/16/1221 have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029; and
- (8) prior to the occupation of the development hereby permitted, the first floor side facing windows serving bathrooms and ensuites 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 windows 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.

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

### **215. W/19/0360 – Land North of, Gallows Hill, Warwick**

The Committee considered an application from Galliford Try Partnerships West Midlands for a variation of condition 5 (access), 11 (lighting scheme) and 22 (fire hydrants) of planning permission W/18/1619.

The application was presented to Committee because Warwick District Council had an interest in the land.

The officer was of the opinion that the proposal to vary the conditions had been discussed with the applicants to agree the general wording of the conditions to ensure that the development came forward in an appropriate manner.

The revised wording of the conditions did not undermine or diminish the requirement of the conditions and the details would be provided accordingly.

No objection was therefore raised to the proposed variation of the conditions.

An addendum circulated at the meeting advised of an additional consultation response from Warwickshire County Council, with no objection to the application.

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/19/0360 application for the variation of conditions be **granted** in accordance with the recommendations in the report, subject to the following conditions:

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

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

- (2) application for approval of the reserved
- Item 6 / Page 18

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

matters shall be made to the local planning authority not later than eight years from 3 April 2015 as the date of the original permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

- (3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) the development hereby permitted shall be carried out substantially in accordance with the details described in the Design and Access Statement and as shown on the building heights plan 32662-LEA149b, and specification contained therein, submitted on 20 June 2014 and 20 February 2015. For the avoidance of doubt, drawing nos. 32662-LEA146c & 32662-LEA146d (illustrative masterplans) have been considered as being for illustrative purposes only and therefore are not approved. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029. The application is in outline with all matters (save access) reserved and the local planning authority wishes to ensure that those details that have not yet been submitted are appropriate for the locality in terms of visual and residential amenity and reflect the scale and nature of the development assessed in the submitted Environmental Statement;
- (5) the vehicular access from Gallows Hill shall be constructed in strict accordance with drawing no. C17165/700/P1, submitted on 26 May 2017. No works shall take place on the vehicular access from Europa Way until a detailed plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Warwickshire County Council Highways **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3 and TR1 of the Warwick District Local Plan 2011-2029;
- (6) no reserved matters application for any residential phase of the development to the

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

western side of the proposed spine road shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Design Code for that phase of the approved development. Thereafter, should a scheme for residential development come forward on land to the west of the spine road, the development shall be in general accordance with any Design Code approved for the land to the east of the Spine Road unless otherwise agreed in writing.

This Design Code shall be in accordance with the principles and parameters as set out within the Design and Access Statement and plans referred to in condition 4 above and the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time).

The Design Code shall include the following matters:

- a hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- building types;
- building heights;
- the means to accommodate the parking of vehicles and cycles;
- sustainable Urban Drainage features;
- key spaces, open spaces and green features;
- architectural language and detailing;
- design principles for street tree planting and other structural landscaped areas;
- design principles for hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management;
- design principles for waste disposal and recycling;
- design principles for the colour and texture of external materials and facing finishes for roofing and walls of buildings

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

- and structures;
- design principles for street lighting and any other lighting to public space (including parking areas);
- a regulating plan on an Ordnance Survey base at a scale no greater than 1:1250; and
- a mechanism for periodic review and refinement if necessary of the approved Design Code.

All reserved matters applications shall accord with the approved Design Code.

**Reason:** In the interests of good urban design and a comprehensively planned development in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029;

- (7) no reserved matters application for any phase of the development to the western side of the proposed spine road shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Masterplan for that phase of the approved development. The Masterplan shall be in accordance with all of the following:

- the approved Design & Access Statement and building heights plan referred to in condition 4;
- the principles set out in the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (or any subsequent revision and/or approved plans/strategy available at the time); and
- the Site-wide Design Code to be approved under condition 6.

The Master Plan shall include the following:

- illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context;
- landform topography as existing and proposed;
- a land use plan and character areas (including densities and building heights);
- movement corridors within the site (including principal roads, public transport corridors, footpaths, cycle ways and green corridors) including a demonstration of how

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

these relate to existing movement networks in the wider area;

- location of any areas for off-street car parking courts;
- key infrastructure (including SUDs, significant utility provision, schools, district/local centres);
- landscape corridors and open space networks;
- public open space;
- housing mix including tenure and size of dwelling;
- location of affordable housing;
- street tree planting and other structural landscape areas;
- hard and soft landscaping treatments;
- street lighting arrangements and any other lighting to public space;
- a phasing plan including triggers for delivery of key elements of supporting infrastructure; and
- a statement explaining how the development proposals accord with the principles set out in the Site-wide Design Code.

**Reason:** In the interests of good urban design and a comprehensively planned development in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029;

- (8) no development for any phase of the development shall commence until a construction phasing plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the phases established in this approved phasing plan. **Reason:** To ensure the proper phasing of the development;
- (9) no phase of development shall take place until a Protected Species Contingency Plan for that phase has been submitted to and approved in writing by the local planning authority. The Plan shall include a detailed badger strategy (including mitigation, compensation and monitoring as deemed appropriate) by a suitably qualified badger consultant. The Protected Species Contingency Plan shall include timescales for the works and proposals for on-going monitoring. The approved Protected Species Contingency Plan shall be

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

implemented in strict accordance with the approved details and timescales. **Reason:** To ensure that protected species are not harmed by the development, in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

- (10) no phase of development hereby permitted (including demolition) shall commence until a Construction and Environmental Management Plan for that phase has been submitted to and approved in writing by the local planning authority. In discharging this condition the local planning authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (11) no phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The plan must include details of planting and maintenance of all new planting. Details of species used and sourcing of plants must be included. The plan must also include details of habitat enhancement/creation measures and management, such as ponds, wildflower grasslands and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To meet the requirements of the NPPF in terms of biodiversity impact;
- (12) no phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure
- Item 6 / Page 23

## PLANNING COMMITTEE MINUTES (Continued)

Secured by Design standards are met, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;

- (13) no phase of development shall commence on any reserved matters consent for that phase until a Tree Retention and Removal Plan identifying existing trees, shrubs and hedgerows to be retained for that phase has been submitted to and approved in writing by the local planning authority. The existing trees, shrubs and hedgerows shown to be retained on this plan shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedgerows removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with trees, shrubs or hedgerows of such size and species details of which must be submitted to and approved by the local planning authority. All trees, shrubs and hedgerows shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (14) no phase of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on that phase has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved
- Item 6 / Page 24



## PLANNING COMMITTEE MINUTES (Continued)

scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

(15) no phase of the development hereby permitted shall commence until: -

(1) (a) A site investigation has been designed for that phase using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This must be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

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

(b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site

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

investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.

- (2) All development for that phase shall accord with the approved method statement.
- (3) If during development, contamination not previously identified, is found to be present within that phase then no further development shall take place (unless an addendum to the method statement, detailing how the unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
- (4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

**Reason:** To safeguard health, safety and the environment in accordance with Policies BE3, NE4 & NE5 of the Warwick District Local Plan 2011-2029;

- (16) no phase of development shall commence under any reserved matters consent until a scheme for that phase detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise has been submitted to and approved in writing by the local planning authority. The scheme shall be
- Item 6 / Page 26

## PLANNING COMMITTEE MINUTES (Continued)

implemented in accordance with the approved details and shall be retained thereafter.

**Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (17) no phase of the development (including any works of demolition) shall commence until a construction method statement for that phase has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: a construction phasing plan; the anticipated movements of vehicles; the routing of delivery vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 & NE5 of the Warwick District Local Plan 2011-2029;
- (18) no phase of development shall commence under any reserved matters consent 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 NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2012;
- (19) the development of each phase shall be carried out in strict accordance with the details of surface and foul water drainage works for that

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

phase that shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

(20) no phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. The scheme shall include the following:

- proposals to limit post-development runoff volumes and peak flow rates to the Greenfield discharge rate for all rainfall return periods up to and including a 1 in 100 year plus 30% (for climate change) event;
- attenuation designed to accommodate a 1 in 100 year plus 30% (for climate change) event;
- further detail on the implementation of SUDS; and
- a demonstration that there will be no above ground flooding up to and including the 1 in 30 year rainfall event.

The approved drainage systems shall thereafter be installed in strict accordance with the approved details and timescales. The approved drainage systems shall be retained at all times thereafter and shall be managed and maintained in strict accordance with the approved details.

**Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW2 & NE4 of the Warwick District Local Plan 2011-2029;

(21) prior to the submission of any Reserved Matters applications for any phase of development:

(a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative

Item 6 / Page 28

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

work for that phase shall be submitted to and approved in writing by the local planning authority;

(b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken;

(c) a report detailing the results of this fieldwork shall be submitted to and approved in writing by the local planning authority; and

(d) an Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation. No development shall take place until all fieldwork detailed in the approved Archaeological Mitigation Strategy has been completed in strict accordance with the approved details. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Archaeological Mitigation Strategy.

**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 HE6 of the Warwick District Local Plan 2011-2029;

- (22) no development shall commence until details of a dedicated cycle path along the spine road to connect with the proposed cycle path along the spine road for the development to the north have been submitted to and approved in writing by the local planning authority. The dedicated cycle path shall thereafter be constructed with the spine road in strict accordance with the approved details. **Reason:** To ensure adequate provision for cycling, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

- (23) all reserved matters applications for any residential phase of the development to the eastern side of the proposed spine road shall be carried out strictly in accordance with the Design Code Revision A Document submitted on 14 December 2018 and approved on 20 December 2018 unless otherwise agreed in writing by the Local Planning Authority through the submission of a revised Design Code document. **Reason:** In the interests of good urban design and a comprehensively planned development in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029;
- (24) all reserved matters applications for any residential phase of the development to the eastern side of the proposed spine road shall be carried out in general accordance with the Masterplan Drawing reference 3602/010 submitted on 6 December 2018 and approved on 20 December 2018 unless otherwise agreed in writing by the Local Planning Authority through the submission of a revised Masterplan document. **Reason:** In the interests of good urban design and a comprehensively planned development in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029;
- (25) no dwellings on any phase of development shall be occupied until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- (a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
  - (b) the brightness of lights should be as low as legally possible;
  - (c) lighting should be timed to provide some dark periods; and
  - (d) connections to areas important for foraging should contain unlit stretches.

## PLANNING COMMITTEE MINUTES (Continued)

illumination, shall be carried out and operated only in full accordance with those approved details.

**Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029;

(26) no dwelling shall be occupied on any phase of development until a scheme for that phase for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **Reason:** In the interests of fire safety;

(27) any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

(28) should the Reserved Matters be submitted delivering 40% of the units as Affordable  
Item 6 / Page 31

## PLANNING COMMITTEE MINUTES (Continued)

Housing for any phase of development, the market housing mix for that phase shall be in accordance with the Housing Mix as set out in the document titled Europa Way (ref GTP/WHG/01.11.18) received by the Local Planning Authority on 06.11.2018. Should the Reserved Matters be submitted for any phase of development delivering 35% of the units as Affordable Housing then the market housing mix for that phase shall be in accordance with the housing mix as defined within the most up to date SHMA. **Reason:** To ensure that the housing meets the needs of the District as required by the NPPF and Policy H4 of the Warwick District Local Plan 2011-2029;

- (29) the development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment by AMEC dated May 2014 and submitted on 20 June 2014, and the proposed flood mitigation measures contained therein. **Reason:** To reduce flood risk, in accordance with the NPPF;

- (30) within two years of the first occupation of any of the dwellings hereby permitted, design and construction details of the main spine road through the development (annotated as "3. Primary Road" on drawing no. 32662-LEA147e), together with a safeguarded access into Myton School, shall be submitted to and approved in writing by the local planning authority. Within five years of the first occupation of any of the dwellings or prior to occupation of 65% of the dwellings, whichever is the sooner, the spine road shall be completed in strict accordance with the approved details to provide a continuous unrestricted vehicular, cycle and pedestrian link from the site's principal access off Gallows Hill to the site's northern boundary. **Reason:** To ensure that a continuous unrestricted vehicular, cycle and pedestrian link is provided from the site access on Gallows Hill to link up with any spine road to be constructed on the adjacent site to the north (identified as "Land between Myton Road and Europa Way" on planning permission no. W14/1076). This is necessary in the interests of good urban design and a comprehensively planned development, in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029;

- (31) no dwelling hereby permitted for each phase



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

shall be occupied unless and until:

- (a) a scheme for rainwater harvesting for that phase has been submitted to and approved in writing by the local planning authority; and
- (b) all parts of the scheme approved under (a) have been implemented in strict accordance with the approved plans for that particular dwelling. The rainwater harvesting scheme shall be retained and maintained in strict accordance with the approved details at all times thereafter.

**Reason:** To ensure that the development is designed to be resilient to, and adapt to the future impacts of, climate change, in accordance with Policy CC1 of the Warwick Local Plan 2011-2029; and

- (32) within two years of the first occupation of any of the dwellings within the residential phase adjoining Area 11 as shown on drawing no. 32662-LEA147e, design and construction details of a vehicular access between the main spine road through the development (annotated as "3. Primary Road" on drawing no. 32662-LEA147e) and the prospective residential development site identified as Area 11 shall be submitted to and approved in writing by the local planning authority. Within five years of the first occupation of any of the dwellings within that phase or prior to occupation of 65% of the dwellings, whichever is the sooner, the vehicular access shall be completed in strict accordance with the approved details to provide a continuous unrestricted vehicular, cycle and pedestrian link from the spine road to the boundary of Area 11. **Reason:** In the interests of good urban design and a comprehensively planned development, in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029.

### **216. W/19/0369 – 3 Townesend Close, Woodloes Park, Warwick**

The Committee considered an application from Mr Siitambalam for the erection of a two storey front extension and two storey rear extension (amended design to previously approved reference W/18/2422 for a two storey front extension and single storey rear extension).

The application was presented to Committee because the applicant was a Warwick District Council employee.

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

The officer was of the opinion that the proposed extensions were considered to be suitable in design and scale for the main property overall, and did not overly impact upon the street scene. Furthermore, they were not considered to cause material harm to the surrounding neighbours.

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

The Committee therefore

**Resolved** that W/19/0369 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 03C, 04D, 05C, and specification contained therein, submitted on 28th February, 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) prior to the occupation of the development hereby permitted, the first floor windows in the north and south elevations 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 windows 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.

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

### **217. 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.

### **218. Vote of Thanks**

The Committee recorded its thanks to officers from Civic & Committee Services, Development Services and Legal Services for their support and guidance over the last four years.

The Committee also recorded its thanks to the Chairman for his work and guidance over the last four years.

The Chairman thanked the Committee for its work, due diligence and support over the last four years.

(The meeting ended at 9.15pm)

CHAIRMAN  
22 May 2019