

# Planning Committee

Minutes of the meeting held on Tuesday 27 May 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Rhead (Chairman); Councillors Brookes, Mrs Bunker, Mrs Bromley, Doody, MacKay, Mrs Syson, Weber, Wilkinson and Williams.

Apologies for absence were received from Councillors Boad and Ms De-Lara-Bond.

## 1. **Substitutes**

There were no substitutes.

## 2. **Appointment of Chairman**

It was moved by Councillor Mrs Syson, and duly seconded that Councillor Doody be appointed Chairman of Planning Committee. It was also moved by Councillor Williams, and duly seconded that Councillor Rhead be appointed Chairman of Planning Committee. On being put to the vote it was carried by seven votes to three and therefore it was;

**Resolved** that Councillor Rhead be elected Chairman of Warwick District Council's Planning Committee for the municipal year 2014/15.

## 3. **Appointment of Vice-Chairman**

It was moved by Councillor Weber, seconded by Councillor Williams and

**Resolved** that Councillor Brookes be elected Vice-Chairman of Warwick District Council's Planning Committee for the municipal year 2014/15.

## 4. **Declarations of Interest**

Minute Number 7 – W14/0430 – Unit 2, Regent Court, Livery Street, Royal Leamington Spa

Councillor Weber declared an interest because the application site was in his Ward and he would be speaking as Ward Member.

Minute Number 8 - W14/0437 – Unit 6, Regent Court, Livery Street, Royal Leamington Spa

Councillor Weber declared an interest because the application site was in his Ward and he would be speaking as Ward Member.

Minute Number 9 – W14/0322 – Land east of Radford Semele, north of Southam Road, Radford Semele

Councillor Doody declared an interest because the application site was in his Ward and he would be speaking as Ward Member.

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

### Minute Number 10 – W14/0404 – 5-6 Milverton Crescent West, Royal Leamington Spa

Councillor Mrs Syson declared an interest because the application site was in her Ward and she had sat on the Conservation Advisory Forum when it had been discussed.

### Minute Number 11 – W14/0473 – 78 Montague Road, Warwick

Councillor Williams declared an interest because the application site was in his Ward and he would be speaking as Ward Member.

### Minute Number 12 – W14/0084 – Post Office Cottage, Hatton Green, Hatton

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

### Minute Number 13 – W14/0533 – 16 Arlington Avenue, Royal Leamington Spa

Councillor Mrs Syson declared an interest because she knew residents who lived in the Avenue and had sat on the Conservation Advisory Forum when the site had been discussed.

### Minute Number 14 – W14/0537 – Crackley Hall School, Coventry Road, Kenilworth

Councillor Mrs Bunker declared an interest because she had visited the school and the Head Teacher had spoken to her about the application but she had not expressed an opinion.

### Minute Number 20 – W14/0005 – Bury Lodge, Offchurch Lane, Offchurch

Councillor Doody declared that he had an interest and would not be voting.

### Minute Number 21 – W03/1254 – 5 Hawkes Hill Close, New Road, Norton Lindsay

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

### Minute Number 23 – W14/0487 – Mid Warwickshire Crematorium, Newbold Road, Bishop's Tachbrook

All members of the Planning Committee declared an interest because the site was Warwick District Council owned.

## **5. Site Visits**

To assist with decision making, Councillors Mrs Bromley, Doody, MacKay, Rhead, Weber, and Williams had visited the following application sites on Saturday 24 May 2014:

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

W14/0084 – Post Office Cottage, Hatton Green, Hatton  
W14/0322 – Land east of Radford Semele, north of Southam Road, Radford Semele  
W14/0404 – 5-6 Milverton Crescent West, Royal Leamington Spa  
W14/0416 & W14/0417 LB – Abbotsford School, Bridge Street, Kenilworth  
W14/0533 – 16 Arlington Avenue, Royal Leamington Spa

Councillor Wilkinson only visited the sites for applications W14/0404 and W14/0533.

### **6. Minutes**

The minutes of the meeting held on 18 March 2014 were agreed and signed by the Chairman as a correct record subject to the inclusion of Councillors Kirton and Williams in the record of councillors who had attended the site visits.

The minutes of the meetings held on 8 April 2014 and 29 April 2014 were agreed and signed by the Chairman as a correct record.

### **7. W14/0430 – Unit 2, Regent Court, Livery Street, Royal Leamington Spa**

The Committee considered an application from New River Retail for a variation of condition 6 of planning permission no. W13/1578 to allow for the creation of an outdoor seating area in front of Unit 2, Regent Court; the restriction would remain in place for the remainder of the units covered by planning permission no. W13/1578.

The application was presented to the Committee because it had previously been agreed that further applications for outdoor seating at Regent Court would be presented to the Committee.

The officer considered the following policies to be relevant:

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)  
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
TCP13 - Design of Shopfronts (Warwick District Local Plan 1996 - 2011)  
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)  
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)

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

Sustainable Buildings (Supplementary Planning Document - December 2008)  
National Planning Policy Framework  
The emerging Warwick District Local Plan 2011 – 2029.

An addendum circulated at the meeting informed the Committee that in order to account for the fact that an Operational Management Plan had been submitted and would be approved if the Planning Committee decided to grant planning permission, amended wording would be required for Condition 12.

It was the officer's opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area.

Prior to each speaker stating their case, the Chairman checked that each speaker would be willing to speak on applications W14/0430 and W14/0437 at the same time. All speakers were happy for this arrangement.

Councillor Gifford addressed the Committee on behalf of the Town Council against the application, followed by Mr Wrighton who spoke in support of the application. Councillor Weber addressed the Committee as Ward Member in objection to the application.

The Council's solicitor advised the Committee on the distinction between what was a Planning matter and what was a Licensing matter.

There was concern that allowing outside seating would mean that the residents living above the premises would be disturbed by noise levels and it was noted that the noise level was not stated in the report submitted to Planning. Committee members felt that it was appropriate to control how late the residents would be disturbed by the noise.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that the application should be granted subject to a condition that external seating could only be provided up to 1930 hours.

**Resolved** that W14/0430 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 301B, 302A, 303A, 304B, 307A & 309A, and specification contained therein, submitted on 17 January 2014 in relation to planning application no. W13/1578

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

and drawing no. 0132, submitted on 20 March 2014 in relation to the current planning application. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011;

- (3) the development hereby permitted shall be carried out only in full accordance with sample details of the facing and surfacing materials 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 Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011;
  - (4) no development shall be carried out on the site which is the subject of this permission until further details of the box planters, tree pots, litter bins, public art, canopies and seating have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
  - (5) no customers shall be permitted to be on the premises other than between 0730 and 2330 hours on any day. Reason: To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
  - (6) no external seating shall be provided in association with any of the restaurants hereby permitted, except for the areas in front of Units 2 and 6 shown on drawing nos. 0132 & 0134. No customers shall be permitted to use these external seating areas before 0930 hours or after 1930 hours on any day. At all times that these external seating areas are in use, the canopies to be approved under Condition 11 shall be maintained in the open position between 1700 hours and 1930 hours. No furniture within the external seating areas shall be moved before 0930 hours or after 1930
- Item 4 / Page 5

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

hours on any day. Any part of any furniture that is in contact with the ground shall be fitted with rubber stoppers to minimise noise. Reason: To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

- (7) no deliveries, waste collections or other noisy activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2130 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. Reason: To ensure that noisy activities do not take place at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (8) noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, 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;
- (9) no restaurant / cafe hereby permitted shall be occupied unless:
  - (a) a noise assessment has been undertaken to assess the impact of noise arising from any plant, fume extraction, air conditioning or refrigeration equipment that is required to serve that unit;
  - (b) a noise assessment has been undertaken to assess the suitability of the existing sound insulation in the ceiling of that unit to ensure that internal noise levels within adjoining or nearby residential premises comply with the criteria outlined in BS8233:1999 and World Health Organisation guidelines;
  - (c) the results of the noise assessments carried out to comply with criteria (a) and (b), together with details of any necessary

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

mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(d) any necessary mitigation measures approved under (c) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(10) no restaurant / cafe hereby permitted shall be occupied unless:

(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;

(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(11) no restaurant / cafe hereby permitted shall be occupied unless:

(a) details of an acoustically absorbent canopy, to include enclosed sides, have been submitted to and approved in writing by the local planning authority; and

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

(b) the canopy approved under (a) has been installed in strict accordance with the approved details.

The canopy shall be retained and maintained in accordance with the approved details at all times that the premises are used as a restaurant / cafe.

Reason: To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

- (12) all of the restaurants / cafes hereby permitted shall be operated in strict accordance with the Operational Management Plan submitted on 12 May 2014 (in relation to planning application nos. W14/0430 and W14/0437). Reason: To protect the living conditions of neighbouring dwellings and to prevent crime and anti-social behaviour, in accordance with Policies DP2, DP9 and DP14 of the Warwick District Local Plan;

- (13) no restaurant / cafe hereby permitted shall be occupied unless:

(a) details of a refuse storage area for that unit have been submitted to and approved in writing by the local planning authority; and  
(b) the refuse storage area approved under (a) has been constructed and laid out in strict accordance with the approved details.

The refuse storage area shall thereafter be kept free of obstruction and be available at all times for the storage of refuse associated with the development.

Reason: To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (14) no more than two of the restaurant / cafes hereby permitted shall be occupied unless:

(a) a CCTV scheme for Livery Street has been submitted to and approved in writing by the local planning authority; and  
(b) the CCTV scheme approved under (a) has been implemented in strict accordance with the approved details.



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

Reason: In the interests of reducing crime and anti-social behaviour, in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011;

- (15) no restaurant / cafe hereby permitted shall be occupied unless:

(a) a scheme showing how 10% of the predicted energy requirement of that unit will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority; and  
(b) all the works within the scheme approved under (a) have been completed.

Thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

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

- (16) no lighting or illumination of any part of any buildings or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

- (17) no more than 28 external covers shall be permitted in relation to Unit 2. No more than 24 external covers shall be permitted in relation to Unit 6. Reason: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

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

(Councillor Weber sat with the public speakers for this item).

### **8. W14/0437 – Unit 6, Regent Court, Livery Street, Royal Leamington Spa**

The Committee considered an application from New River Retail for a variation of condition 6 of planning permission no. W13/1578 to allow for the creation of an outdoor seating area in front of Unit 6, Regent Court; the restriction would remain in place for the remainder of the units covered by planning permission no. W13/1578.

The application was presented to the Committee because it had previously been agreed that further applications for outdoor seating at Regent Court would be presented to the Committee.

The officer considered the following policies to be relevant:

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)  
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
TCP13 - Design of Shopfronts (Warwick District Local Plan 1996 - 2011)  
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)  
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
National Planning Policy Framework  
The emerging Warwick District Local Plan 2011 – 2029.

An addendum circulated at the meeting informed the Committee that in order to account for the fact that an Operational Management Plan had been submitted and would be approved if the Planning Committee decided to grant planning permission, amended wording would be required for Condition 12.

It was the officer's opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area.

The Speakers spoke on applications W14/0430 and W14/0437 at the same time.

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

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that the application should be granted subject to a condition that external seating could only be provided up to 1930 hours.

**Resolved** that W14/0437 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 301B, 302A, 303A, 304B, 307A & 309A, and specification contained therein, submitted on 17 January 2014 in relation to planning application no. W13/1578 and drawing no. 0134, submitted on 27 March 2014 in relation to the current planning application. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall be carried out only in full accordance with sample details of the facing and surfacing materials 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 Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission until further details of the box planters, tree pots, litter bins, public art, canopies and seating have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

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

- (5) no customers shall be permitted to be on the premises other than between 0730 and 2330 hours on any day. Reason: To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (6) no external seating shall be provided in association with any of the restaurants hereby permitted, except for the areas in front of Units 2 and 6 shown on drawing nos. 0132 & 0134. No customers shall be permitted to use these external seating areas before 0930 hours or after 1930 hours on any day. At all times that these external seating areas are in use, the canopies to be approved under Condition 11 shall be maintained in the open position between 1700 hours and 1930 hours. No furniture within the external seating areas shall be moved before 0930 hours or after 1930 hours on any day. Any part of any furniture that is in contact with the ground shall be fitted with rubber stoppers to minimise noise. Reason: To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;
- (7) no deliveries, waste collections or other noisy activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2130 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. Reason: To ensure that noisy activities do not take place at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (8) noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, 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

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

in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (9) no restaurant / cafe hereby permitted shall be occupied unless:

(a) a noise assessment has been undertaken to assess the impact of noise arising from any plant, fume extraction, air conditioning or refrigeration equipment that is required to serve that unit;

(b) a noise assessment has been undertaken to assess the suitability of the existing sound insulation in the ceiling of that unit to ensure that internal noise levels within adjoining or nearby residential premises comply with the criteria outlined in BS8233:1999 and World Health Organisation guidelines;

(c) the results of the noise assessments carried out to comply with criteria (a) and (b), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(d) any necessary mitigation measures approved under (c) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (10) no restaurant / cafe hereby permitted shall be occupied unless:

(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;

(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(c) any necessary mitigation measures

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

approved under (b) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (11) no restaurant / cafe hereby permitted shall be occupied unless:

(a) details of an acoustically absorbent canopy, to include enclosed sides, have been submitted to and approved in writing by the local planning authority; and

(b) the canopy approved under (a) has been installed in strict accordance with the approved details.

The canopy shall be retained and maintained in accordance with the approved details at all times that the premises are used as a restaurant / cafe.

At all times that Units 2 and 6 are used as a restaurant / cafe, the canopies to those units shall be maintained in a fully open position between 1700 hours and 2330 hours.

Reason: To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

- (12) all of the restaurants / cafes hereby permitted shall be operated in strict accordance with the Operational Management Plan submitted on 12 May 2014 (in relation to planning application nos. W14/0430 and W14/0437). Reason: To protect the living conditions of neighbouring dwellings and to prevent crime and anti-social behaviour, in accordance with Policies DP2, DP9 and DP14 of the Warwick District Local Plan;

- (13) no restaurant / cafe hereby permitted shall be occupied unless:

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

(a) details of a refuse storage area for that unit have been submitted to and approved in writing by the local planning authority; and  
(b) the refuse storage area approved under (a) has been constructed and laid out in strict accordance with the approved details.

The refuse storage area shall thereafter be kept free of obstruction and be available at all times for the storage of refuse associated with the development.

Reason: To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

(14) no more than two of the restaurant / cafes hereby permitted shall be occupied unless:

(a) a CCTV scheme for Livery Street has been submitted to and approved in writing by the local planning authority; and  
(b) the CCTV scheme approved under (a) has been implemented in strict accordance with the approved details.

Reason: In the interests of reducing crime and anti-social behaviour, in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011;

(15) no restaurant / cafe hereby permitted shall be occupied unless:

(a) a scheme showing how 10% of the predicted energy requirement of that unit will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority; and  
(b) all the works within the scheme approved under (a) have been completed.

Thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with  
Item 4 / Page 15

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

the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(16) no lighting or illumination of any part of any buildings or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(17) no more than 28 external covers shall be permitted in relation to Unit 2. No more than 24 external covers shall be permitted in relation to Unit 6. Reason: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

(Councillor Weber sat with the public speakers for this item)

### **9. W14/0322 – Land east of Radford Semele, north of Southam Road, Radford Semele**

The Committee considered an application from Sharba Homes Limited for the construction of up to 60 market and affordable dwellings, new vehicular access, open space and associated infrastructure. This was an outline application including details of access.

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

The officer considered the following policies to be relevant:

Warwick District Local Plan 2011-2029 Publication Draft - published April 2014

Warwickshire Landscape Guidelines SPG

Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

National Planning Policy Framework

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)



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

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)  
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)  
SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)  
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Open Space (Supplementary Planning Document - June 2009)  
Vehicle Parking Standards (Supplementary Planning Document)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Affordable Housing (Supplementary Planning Document - January 2008)  
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)  
DP5 - Density (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

An addendum circulated at the meeting informed the Committee that Warwickshire County Council Education Department had requested a contribution of £402,653 and Warwickshire County Council Archaeology had informed the Council that a site survey had identified potential areas of archaeological interest within the site and it was therefore requested that a condition be imposed upon any grant of outline planning permission. NHS England had requested a contribution of £33,647.18 towards funding primary medical facilities as they had assessed the three current planning applications in Radford Semele together. The contribution just for this application would be £8,723.34. Warwick District Council Health & Community Protection had not raised an objection following discussion, subject to a condition requiring a detailed surface water run-off management scheme, a scheme for the design and construction of means for disposal of surface water and SUDS, and a surface water maintenance scheme. Revised wording was given for Condition 19 in the officer's report. The Environment Agency had confirmed that it did not have any objection to the application. The Ramblers Association had confirmed that public paths were not affected but that the site would take the village onto the ridge line and would therefore have a significantly detrimental impact on the open character of the countryside in long distance views. Warwickshire County Council Rights of Way Team had stated that there were no public rights of way crossing or immediately abutting the site but they requested a contribution of £2140 towards improvements to public rights of way within a 1.5 mile radius of the development site. The contribution of £2140

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

had therefore been added to the list of required planning contributions to be secured by the S106 agreement.

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

The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space and footpaths, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, and improved footpath links. The site was in a sustainable location adjacent to the village where residents could access a range of services. The development represented sustainable development by satisfying the three dimensions identified in the NPPF.

It had been concluded that any issues of concern that have been raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have an adverse impact on the surrounding landscape in terms of the loss of openness and rural character, however, these impacts needed to be balanced against the wider benefits of the development listed above.

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

Councillor Chater, representing Radford Semele Parish Council addressed the Committee in support of the application, followed by Mr Steel, a local resident who addressed the Committee in opposition to the application. Councillor Doody addressed the Committee as Ward Member in support of the application.

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

The Chairman requested that the amendment stated in the addendum in respect of archaeology was stipulated in the conditions should permission be granted.

The Head of Development Services was asked to obtain a copy of the Transport Pack from Warwickshire County Council.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that the application should be granted subject to the conditions in the report and addendums and subject to the completion of a satisfactory Section 106 Agreement to secure the contributions listed, and subject to no further objection from National Grid, and any conditions requested by them. Should a satisfactory Section 106 Agreement not have been completed by 6th June 2014, Planning Committee were recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals made inadequate provision in respect of the issues the subject of that agreement.

**Resolved** that W14/0322 be **granted** subject to the following conditions and subject to the completion of a satisfactory Section 106 Agreement to secure the contributions listed in the report and addendums, and subject to no further objection from National Grid, and any conditions requested by them. Should a satisfactory Section 106 Agreement not be completed by 6th June 2014, Planning Committee are authorised 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) 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 matters shall be made to the local planning

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

authority not later than three years from the date of this permission. Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

- (3) the development to which this permission relates shall begin within three years of the date of 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 access hereby permitted shall be constructed in strict accordance with the details shown on approved access drawing(s) JPH/131105/Figure 1 submitted on 6 March 2014 and with the radii increased to 8 metres. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;
- (5) any dwellings, garages or other buildings hereby permitted shall be sited only within the "Development Area" shaded beige and referred to on drawing "Figure 6 Landscape Strategy Bir.4346\_02". Reason: For the avoidance of doubt and to ensure built development is contained within the least visually sensitive part of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (6) no development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, 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 pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
  - (b) the brightness of lights should be as low as legally possible;
  - (c) lighting should be timed to provide some dark periods; and

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

(d) connections to areas important for foraging should contain unlit stretches.

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

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

- (7) no phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent and phase of development showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the local planning authority. That phase of development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (8) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. Reason: To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;

- (9) no part of the development hereby permitted
- Item 4 / Page 21

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

shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 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 scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (10) the development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. Reason: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan;

- (11) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan

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

should also include details of habitat enhancement/creation measures and management, such as pond, wildflower grasslands, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. Reason: To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF);

(12) the development hereby permitted shall not commence until: -

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

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

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

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved

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

in writing by the local planning authority prior to the remediation being carried out on the site.

- (2) All development of the site shall accord with the approved method statement.
- (3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal 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 DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (13) the development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. Reason: To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (14) the development hereby permitted shall not be
- Item 4 / Page 24



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

commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting 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;

- (15) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

- (16) no development shall take place unless and until a Low Emission Strategy 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 and the aims and objectives of national guidance within the NPPF 2012;

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

- (17) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works 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 DP11 of the Warwick District Local Plan 1996-2011;
- (18) no part of the development hereby permitted shall be commenced until a detailed badger survey, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing to the local planning authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (19) the development hereby permitted shall be carried out in strict accordance with details of a scheme for the design and construction of the means of disposal of surface water from the development and associated SUD's facilities that shall have been submitted to and approved in writing by the local planning authority. These details shall include large scale plans and cross and longitudinal sections, showing design, layout to include finished floor levels, construction of the surface water drainage systems to outfall and to include condition surveys to outfall ditch development. The development hereby permitted shall not be brought into use until a report detailing the future maintenance of all drainage systems on site, which must be accompanied with a risk assessment, has been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained 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 DP11 & DP3 of the Warwick District Local Plan 1996-2011;

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

(20) 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

(21) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). Reason: To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

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

- (22) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". Reason: To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF;
- (23) visibility splays to be provided at the vehicular accesses to the site shall have 'x' distances of 2.4 metres and 'y' distances of 90 metres to the west and 160m to the east measured 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. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (24) no dwelling shall be occupied until a footway connection has been made between the site and the existing footway on the northern side of a A425, as indicatively shown on plan JPH/131105/Figure 1. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (25) prior to the submission of any reserved matters application, the submission, approval and undertaking of a written scheme of archaeological investigation and an archaeological mitigation strategy, the latter to have been implemented prior to the commencement of any development.

(Councillor Doody sat with the public speakers for this item)

### **10. W14/0404 – 5-6 Milverton Crescent West, Royal Leamington Spa**

The Committee considered an application from Lewis and Lewis for the demolition of two buildings, retention of coach house and conversion into a single dwelling, and erection of six new dwellings and provision of car parking. This was a resubmission of application W13/0681.

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

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

The officer considered the following policies to be relevant:

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)  
National Planning Policy Framework  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Vehicle Parking Standards (Supplementary Planning Document)  
Open Space (Supplementary Planning Document - June 2009)  
Distance Separation (Supplementary Planning Guidance)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
The emerging Warwick District Local Plan 2011 - 2029

An addendum circulated at the meeting informed the Committee that a Highways and Transportation Statement and an amended parking layout plan had been submitted in response to the concerns raised by the Highway Authority. In response to this, Warwickshire County Council Highways had now withdrawn its objection and had recommended conditions. The Conservation Advisory Forum had concerns about the parking arrangements on the site. It also made suggestions on positioning of taller buildings.

It was the officer's opinion that that the scheme addressed the reasons for refusal previously given by the Planning Inspector, and that the proposal therefore protected the Conservation Area and provided adequate refuse storage. The residual impact on highway safety would not be severe, and

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

the harm caused to highway safety did not outweigh the benefits of the proposal. The application should therefore be approved as it would accord with the policies listed aside from DP6.

Councillor Gifford addressed the Committee on behalf of the Town Council against the application. He also suggested an additional, condition the wording of which he read out, from County Highways Department.

Members were informed that the application was not that different from the one that had gone before the Planning Inspector but now the Highways Authority had withdrawn its objections.

Following consideration of the report, presentation and addendum, and the representation made at the meeting, the Committee agreed that the application should be granted subject to the conditions listed in the report and addendum and including the condition that Councillor Gifford had read out from Warwickshire County Council Highways Department.

**Resolved** that W14/0404 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (1525/1A; 1525/2B submitted on 17 March 2014. 1525/7A submitted on 12 May 2014), and specification contained therein. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) no development shall take place until:
  - (a) A desk-top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this

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

information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.

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

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

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

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

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

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

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

unsuspected contamination shall be deal 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;

- (5) before the use commences, the building shall be insulated in strict accordance with the noise insulation scheme detailed within the internal noise survey report submitted with the application and thereafter such works shall not be removed or altered in any way without the prior written approval of the local planning authority. This shall be supplemented with a site visit from Environmental Health to witness the pre-completion sound insulation testing prior to internal decoration. The applicant shall also confirm that there has been no change to the surrounding environment or equipment in the adjoining garage/MOT centre that would adversely affect the findings of the submitted survey. Reason: To ensure that the level of noise inside the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the future occupiers in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
  - (6) unit 2 hereby permitted shall not be occupied unless and until the unit has been insulated against noise and vibration through the structure from the gates beneath, and from vehicles passing underneath the unit, in accordance with a scheme to be submitted to and approved in writing by the local planning authority. Reason: To ensure that the dwelling as a satisfactory standard of amenity in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
  - (7) the development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works
- Item 4 / Page 32



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

to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. In order to discharge the condition above a brief report from the bat worker must be submitted to and approved by the Local Planning Authority (with advice from WCC Ecological Services). Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (8) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that 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 DP11 of the Warwick District Local Plan 1996-2011;
  - (9) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Warwick District Council Conservation Area. In particular 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);
- Item 4 / Page 33

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

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 be 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: To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (10) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

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

- (11) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), dormers, the Dutch gable, balconies, eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

Reason: To ensure an appropriate standard of

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

design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

- (12) the roofing material for the development shall be natural slate, a sample of which shall have been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (13) all window frames shall be constructed in timber, painted and not stained, and be of a sliding sash type set in reveals of 75mm from the face of the building. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (14) all rainwater goods for the development hereby permitted shall be metal. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (15) the dwellings hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. Reason: To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (16) the development shall be carried out only in full accordance with sample details of the bricks and slates which have been submitted to and approved in writing by the local planning authority. Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

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

- (17) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows, roof lights or openings (apart from any shown on the approved drawings) shall be formed in the rear or side facing elevations of Unit 7. Reason: To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (18) prior to the first occupation of each of the dwellings hereby permitted, the first occupiers of the dwelling shall be provided with a sustainable welcome pack to help promote sustainable travel in the local area in accordance with details that shall have been first agreed in writing by the local planning authority. Reason: In the interests of promoting sustainable travel, in accordance with Policy SC12 of the Warwick District Local Plan 1996-2011;
- (19) no use of the development hereby permitted shall commence unless and until a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. Reason: To ensure that a pavement crossing is available for use when the development commences thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (20) the development shall not be occupied until an access for vehicles has been provided to the site not less than 5.0 in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. The provision of a 5.0 metre wide access will not make provision for utilities or service apparatus to be located the adjacent walls. These will impact further on the access reducing the available area width when two vehicle are turning into/out of the site. Reason: In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

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

- (21) the access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. Reason: In the interests of vehicular safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (22) within one month of completion of the development all parts of the existing access within the public highway not included in the permitted means of access shall be closed and the kerb and footway shall be reinstated in accordance with the standard specification of the Highway Authority. Reason: In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (23) before the access is first used a turning facility within the site enabling vehicles to enter and leave in a forward gear shall be provided in accordance with the approved drawings. At all times thereafter the turning facility shall be kept free of obstruction and available for its intended use. Reason: In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

### **11. W14/0473 – 78 Montague Road, Warwick**

The Committee considered an application from Mr Uppal for the erection of a front porch, two storey side extension, a two storey rear extension and a single storey rear extension.

The application was presented to the Committee because objections had been received from Warwick Town Council and a Ward Councillor.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
National Planning Policy Framework  
The 45 Degree Guideline (Supplementary Planning Guidance)  
Distance Separation (Supplementary Planning Guidance)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
The emerging Warwick District Local Plan 2011 – 2029.

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

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

Councillor Williams addressed the Committee as Ward Member in opposition to the application. He asked the Committee to consider deferring a decision on the application until they had conducted a site visit and referred them to the plans which he stated were not correct in respect of parking.

A proposal to grant permission did not receive a seconder.

Following consideration of the report, and presentation, and the representation made at the meeting, the Committee agreed that a site visit was necessary and voted to delay decision on this application until a site visit had taken place.

**Resolved** that W14/0473 be **deferred** pending a site visit.

(Councillor Williams sat with the public speakers for this item)

### **12. W14/0084 – Post Office Cottage, Hatton Green, Hatton**

The Committee considered an application from Mr and Mrs Langton for the construction of a traditional brick built garage building to replace the original concrete panel garage and the removal of the existing unauthorised timber clad garage building.

The application was presented to the Committee an objection had been received from Hatton Parish Council.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)  
National Planning Policy Framework  
The emerging Warwick District Local Plan 2011 - 2029.

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

Councillor Letocq addressed the Committee on behalf of the Parish Council against the application, followed by Mr Bishopton who spoke in support of the application.

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

The Chairman informed Members that Warwickshire County Council Highways Department had lodged an objection but in view of the historical use, the District Council could not support their position as it would be unreasonable. Planning officers confirmed that a condition to impose a drop-down kerb could not be imposed.

Following consideration of the report, and presentation, and the representations made at the meeting, the Committee agreed that the application should be granted.

**Resolved** that W14/0084 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 1911/02C, 1191/03B, and specification contained therein, submitted on 12th May, 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission, 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 District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. Reason: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and

- (5) the development shall be carried out only in full accordance with sample details of the bricks and roof tiles which have been submitted to and approved in writing by the local planning authority. Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

**13. W14/0533 – 16 Arlington Avenue, Royal Leamington Spa**

The Committee considered an application from Binswood Mansions Trust for the demolition of a house and garages, construction of six flats with ancillary site management office and new garaging; widening of existing access and provision of additional parking spaces, and siting of 26 solar panels on the new building and on existing garage roofs.

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

The officer considered the following policies to be relevant:

The 45 Degree Guideline (Supplementary Planning Guidance)  
Distance Separation (Supplementary Planning Guidance)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)  
Open Space (Supplementary Planning Document - June 2009)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Vehicle Parking Standards (Supplementary Planning Document)  
National Planning Policy Framework  
The emerging Warwick District Local Plan 2011 – 2029.



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

An addendum circulated at the meeting informed the Committee of three further objections including one from the Town Council.

It was the officer's opinion that the development was considered to be appropriate for this location and would preserve the character and appearance of the Conservation Area. Furthermore, the proposals would not harm the living conditions of neighbouring dwellings and would be acceptable in terms of car parking and highway safety. Therefore it was recommended that planning permission was granted.

Councillor Gifford addressed the Committee on behalf of the Town Council against the application, followed by two other objectors, Mrs Salter and Mr Mayes. Mr Greenwood spoke in support of the application. He informed the Committee that the height stated as 11 metres on the plans was incorrect and Planning Officers confirmed that the height was 9.5 metres.

Members felt that the plans were not significantly different to a previous set that had been considered and the flats were much too large and that they failed the objective of building high quality flats, therefore were contrary to policy DP1.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that the application should be refused.

**Resolved** that W14/0533 be **refused** because it is contrary to policy DP1.

(The meeting was adjourned at 8.20pm for 15 minutes)

### **14. W14/0537 – Crackley Hall School, Coventry Road, Kenilworth**

The Committee considered an application from the Princethorpe Foundation for the installation of a new vehicle access and car parking area / playground.

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

The officer considered the following policies to be relevant:

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

DAP10 - Control of Advertisement Hoardings (Warwick District Local Plan 1996 - 2011)

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

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

Draft Local Plan 2014

An addendum circulated at the meeting provided details of further representations that had been received.

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

It was the officer's opinion that the proposed new access achieved the Highway Authority's visibility splays, and considered the proposal to be an improvement which would alleviate concerns expressed previously regarding dropping off and picking up times. Subject to an amended layout plan for the car park being submitted the proposals were acceptable and in accordance with Policy DP6 & DP7 of the Warwick District Local Plan 1996-2011.

Mr Davison addressed the Committee in objection to the application and Mr Pugh addressed the Committee in support.

The Council's solicitor advised the Committee on the distinction between what was a Planning matter and what was a Licensing matter.

As the Committee discussed the issues surrounding the problems with traffic, Mr Pugh was asked for further details on the off-street parking provision and Mr Davison was allowed a right of reply.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that a site visit was necessary before a decision could be reached.

**Resolved** that W14/0537 be **deferred** pending a site visit.

### **15. W14/0416– Abbotsford School, Bridge Street, Kenilworth**

The Committee considered an application Newbury Land (Developments) Limited for the demolition of part of the rear wing of the existing main building, change of use of the existing two storey building to a single dwelling house (use Class C3); change of use of the existing rear outbuilding to two no. dwelling houses (Use Class C3) and the erection of six no. dwelling houses (use Class C3) and associated landscaping.

The application was presented to the Committee because an objection from Kenilworth Town Council had been received and also Ward Councillors Mrs Blacklock and Coker had requested that the application be presented to the Committee.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
Distance Separation (Supplementary Planning Guidance)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)  
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

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

Open Space (Supplementary Planning Document - June 2009)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)

The emerging Warwick District Local Plan 2011 – 2029.

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

An addendum circulated at the meeting informed the Committee of further objections and comments that had been received.

The officer's report advised that Abbotsford House had been left vacant for a number of years, this was a Grade II\* Listed Building whose retention was required. It was the officer's opinion that the proposed conversion of the former Abbotsford School back to a single dwelling would bring the vacant building back into viable use and was considered acceptable in principle. There had been a number of unsympathetic utilitarian extensions added over the years by the school, the demolition of these modern additions to the rear would benefit the Grade II\* Listed house. The design and density of the proposed new dwellings had been subject to extensive negotiations between the applicant, officers and English Heritage. The design of the buildings had been led by English Heritage who wished to see a modern style to the new dwellings. This was a site that had many constraints and collaboratively everyone had worked together to bring the site back into use.

The proposals did not have an impact on the amenity levels of adjacent residents, the buildings were sited in accordance with the adopted separation SPD, the garden area for the main house had been increased and the trees were to be retained. The proposal represented a joint approach to achieving a high quality, sensitive and comprehensive redevelopment scheme which sought the reinstatement of the main house back to a single dwelling. The proposals were considered wholly in accordance with the adopted Local Plan 1996 - 2011, the Draft Local Plan 2014- 2029 and the NPPF.

The Head of Development Services, Mrs Darke, explained that this application had been missed off the agenda by accident and was entirely the fault of her department. She explained that it had been agreed to submit the report subsequent to the release of the agenda because the oversight was purely an administrative error, undoubtedly caused because of the number of other applications that were on the agenda.

Councillor Illingworth addressed the Committee on behalf of the Town Council against the application, followed by Mrs Illingworth, who also objected to the application on behalf of the Kenilworth Society. Mr Pugh addressed the Committee in support of the application followed by the Ward Councillor, Mrs Blacklock who also spoke in objection to the application. She was at pains to point out that the level of objection to this

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

application was unprecedented, with objections from the Town Council, CAF and three Ward Councillors.

Councillor MacKay proposed that a decision on this application be deferred pending further consultation with the people of Kenilworth and his proposal was seconded by Councillor Mrs Bromley. However, the Council's Solicitor explained that the Council had a duty to the applicant to make a decision if the proper statutory consultation had taken place unless there was another reason to defer.

Some Members questioned why English Heritage had left it late to respond. The Head of Development Services explained that the application had not been rushed through. English Heritage had been involved for a considerable time and their response just gave further clarification. Members were also informed that the number of dwellings proposed had been reduced at the request of the Town Council.

Some Members felt that further consultation with the people of Kenilworth was required but it was remarked that the application had come to the Committee in the normal timeframe with the full consultation period. The Head of Development Services also informed Members that there was sufficient parking provided for the new dwellings when concerns about this were raised. The Council's Solicitor also pointed out that in respect of further consultation with the people of Kenilworth, only a suggestion that more should take place could be made to the applicants.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that the application should be refused by reason of design and density, policy DP1. This decision was reached by a split vote of five votes all, with the Chairman using his casting vote against permission.

**Resolved** that W14/0416 be **refused** by reason of design and density, policy DP1.

### **16. W14/0417LB – Abbotsford School, Bridge Street, Kenilworth**

This application was discussed at the same time as application W14/0416 and was for the demolition of part of the rear wing of the existing main building; change of use of the existing two storey building to a single dwelling house (Use Class C3) and associated internal works; change of use of the existing rear outbuilding to two no. dwelling houses and associated internal works (use Class C3); the erection of six no. dwelling houses (use Class C3) and associated landscaping.

The officer considered the following policies to be relevant:

The emerging Warwick District Local Plan 2011 – 2029.

National Planning Policy Framework

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

It was the officer's opinion that Abbotsford House had been left vacant for a number of years, this was a Grade II\* Listed Building whose retention was required. The proposed conversion of the former Abbotsford School back to a single dwelling would bring the vacant building back into viable use and was considered acceptable in principle. There had been a number of unsympathetic utilitarian extensions added over the years by the school, the demolition of these modern additions to the rear would benefit the Grade II\* Listed house. The design and density of the proposed new dwellings had been subject to extensive negotiations between the applicant, officers and English Heritage. The design of the buildings had been led by English Heritage who wished to see a modern style to the new dwellings. This was a site that has many constraints and collaboratively everyone had worked together to bring the site back into use. The proposal represented a joint approach to achieving a high quality, sensitive and comprehensive redevelopment scheme which saw the reinstatement of the main house back to a single dwelling. The proposals were considered wholly in accordance with the adopted Local Plan 1996 - 2011, the Draft Local Plan 2014- 2029 and the NPPF.

**Resolved** that W14/0416 be **refused** by reason of design and density, policy DP1.

### **17. W14/0237 – 57 Roseland Road, Kenilworth**

The Committee considered an application from Mr Sidhu for amendments to approved extensions, i.e. the relocation of the front door and front glazing, the removal of the step to the party wall, an extension to the rear lower ground floor extension and an extension to the height of the rear lower ground floor extension.

The application was presented to the Committee because of a request from Kenilworth Town Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

Open Space (Supplementary Planning Document - June 2009)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

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

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

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

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Vehicle Parking Standards (Supplementary Planning Document)

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

Sustainable Buildings (Supplementary Planning Document - December 2008)

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

The emerging Warwick District Local Plan 2011 – 2029.

It was the officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of parking or amenity which would justify a refusal of permission.

**Resolved** that W14/0237 be **granted** 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 drawing(s) (1550-07H submitted on 8 May 2014. 1550-07D submitted on 8 May 2014), and specification contained therein.  
Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (2) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details.  
The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.  
Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and
- (3) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
  - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

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

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

### **18. W14/0413 – 2 Greenhill Road, Whitnash, Royal Leamington Spa**

The Committee considered an application from Mr Randhawa for the demolition of the existing garage and utility room and the erection of a two storey side extension, including a new garage.

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

The officer considered the following policies to be relevant:

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

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

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)  
National Planning Policy Framework.

The emerging Warwick District Local Plan 2011 - 2029.

It was the officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents to the extent that planning permission should be refused.

**Resolved** that W14/0413 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings GL-014-001-002, GL-014-001-003, GL-014-001-004 and GL-014-001-005, and specification contained therein, submitted on 20th March 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the

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

development hereby permitted shall be of the same type, texture and colour as those of the existing building. Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and

- (4) prior to the occupation of the development hereby permitted, the first floor master bedroom window in the north elevation and the first floor master bedroom en suite window in the east elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(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 DP2 of the Warwick District Local Plan 1996-2011.

### **19. W14/0398 – Sandall House Farm, Narrow Lane, Lowsonford, Solihull**

The Committee considered an application from Ms Saber for the construction of a manege.

The application was presented to the Committee because an objection had been received from Rowington Parish Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

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

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

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

The emerging Warwick District Local Plan 2011 - 2029.

It was the officer's opinion that the revised proposal was considered to comprise appropriate development within the Green Belt and was considered to be acceptable in terms of any effect on the character and openness of the countryside and Green Belt. There were no material flooding or ecological issues sufficient to justify the refusal of planning permission and it was considered that the proposals were in accordance with the policies.

**Resolved** that W14/0398 be **granted** subject to the following conditions:



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

- (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 5407 -207 Rev B; 5407-110 Rev E and 5407-110 Rev G, and specification contained therein, submitted on 20th March 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **20. W14/0005 – Bury Lodge, Offchurch Bury, Offchurch Lane, Offchurch, Royal Leamington Spa**

The Committee considered an application from Mr Johnson for the closure of existing access and construction of a new access road to serve Bury Lodge and the adjacent land.

The application was presented to the Committee because an objection had been received from Eathorpe, Hunningham, Offchurch and Wappenbury Joint Parish Council.

The officer considered the following policies to be relevant:

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)  
National Planning Policy Framework

The Head of Development Services read out comments received subsequent to publishing the addendum and these were in favour of the application because it was felt the proposals would help with road safety.

It was the officer's opinion that the proposed new access would improve the existing access and therefore would be an improvement to Highway Safety. The construction of an access track in this location close to the tree belt and constructed out of more suitable materials was not considered to be inappropriate development within the Green Belt.

It was confirmed to the Committee that no trees would be felled.

**Resolved** that W14/0005 be **granted** subject to the following conditions:

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

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

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 P839/102 & P839/111 dated 3rd January 2014 and details contained within the Tree Planning Management report and subsequent root protection drawings 001 Rev C, 002 Rev A and 004 Rev A and specification contained therein, submitted on 3rd January 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby approved shall not be used until an access for vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres as measured from the edge of the public highway carriageway. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby approved shall not be used until it has been surfaced with a suitable bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (5) the access hereby approved shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be used until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distance of 101 metres in the southern direction and an 'x' distance of 2.4 metres and a 'y' distance of 120 metres in the northern direction to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays

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

exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (7) the means of vehicular and pedestrian access hereby permitted shall be from the position identified on approved drawing No. P839/102 only. All other vehicular and pedestrian access to the development shall be stopped up within one month of the first use of the new access in strict accordance with details to be 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; and
- (8) notwithstanding the details of the surface materials contained within the application form, sample details of an alternative surface material for the access track is required to be submitted to and approved in writing by the local planning authority. Reason: The site is located within the Green Belt where development within the Green Belt is required to have unacceptable impact on the openness of the Green Belt in accordance with the aims and objectives of the NPPF 2012.

### **21. W03/1254 – 5 Hawkes Hill Close, New Road, Norton Lindsay**

The Chairman announced that there was a change in recommendation before officers introduced this application.

The Committee considered a non-compliance matter involving a unilateral undertaking requiring the provision of three low cost homes for sale. Planning Application W03/1254, granted on appeal, had given consent for the erection of 11 residential properties subject to a unilateral undertaking requiring three specified units to be provided for low cost housing for sale.

The current owner, not named in the report, had requested to be released from the obligations included within the unilateral undertaking and it was for this reason that the matter had been referred to the Planning Committee for decision.

The Development Manager explained that the advice received from the Housing Officer was that the S106 agreement was of little value to providing low cost housing to those in need because it did not restrict future purchases to those on low income or those with local connections. The report had therefore recommended that Members release the current and any future owner/occupier of 5 Hawkes Hill Close from the requirements of the unilateral undertaking.

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

However, it was understood that the Housing Register was a system for people who might not be able to afford to purchase properties and it was that advice that led to the original recommendation to agree a S106 agreement. Subsequently, officers had reviewed the key issues in respect of this case. Officers recognised that whilst the retention of the S106 agreement might not be ideal in terms of the provision of affordable housing, it would still result in the offering of properties to the market at a lower price than might otherwise be the case, and this could be seen as a clear benefit of the S106 agreement.

For that reason, officers had carefully considered the situation and felt that it was appropriate to revise the recommendation. The revised recommendation was that Members did not agree to the removal of the S106 requirements in relation to this property.

Members confirmed that the recommendation from officers had changed from that given in the report and the Chairman clarified categorically that the recommendation had changed since the report had been written.

**Resolved** that the current or any future owner/occupier of 5 Hawkes Hill Close, New Road, Norton Lindsay is not released from the requirements of the unilateral undertaking.

### **22. W14/0370 – 31 Sheres Dyche, WARWICK**

The Committee considered an application from Mr Lee for the erection of a two storey side extension, erection of a single storey front extension to create an entrance porch and the erection of an extension to the existing detached garage to form a home office.

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

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Distance Separation (Supplementary Planning Guidance)  
National Planning Policy Framework  
The emerging Warwick District Local Plan 2011 - 2029.

An addendum circulated at the meeting informed the Committee that Councillor Mrs Higgins had expressed support for the application.

It was the officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents.

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

Following consideration of the report, presentation including sight of the paper plans and addendum, the Committee agreed that the application should be granted.

**Resolved** that W14/0370 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings ACL 1331-02A and ACL 1331-04, and specification contained therein, submitted on 2nd April 2014 and 14th March 2014 respectively. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

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

### **23. W14/0487 – Mid Warwickshire Crematorium, Newbold Road, Bishops's Tachbrook, Royal Leamington Spa**

The Committee considered an application Warwick District Council for the erection of a single storey extension to the North Chapel and waiting room, construction of a new car park and extension to the existing car park.

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

The officer considered the following policies to be relevant:

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

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

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

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

Sustainable Buildings (Supplementary Planning Document - December 2008)

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

DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

National Planning Policy Framework

Vehicle Parking Standards (Supplementary Planning Document)

Vehicle Parking Standards (Supplementary Planning Document)

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011).

The emerging Warwick District Local Plan 2011 - 2029.

It was the officer's opinion that the application proposed a modest extension on an existing building and the additional car parking was proposed to meet the existing demand within the site. Whilst there would be some net loss to biodiversity, it was considered that the conditions proposed would ensure that an appropriate enhanced level of biodiversity would be provided across the wider site.

Following consideration of the report, and presentation, the Committee agreed that the application should be granted.

**Resolved** that W14/0487 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

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

approved drawings 13521cv-01; 11770cv -01; 11770cv-02; MB30049-D121, 3030-11; 3030-20 Rev A; MB30049-D102 Rev A; MB30049-D101 Rev C and specification contained therein, submitted on 4th April 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) a detailed Woodland Management Plan for Oakley Wood Crematorium and landscaping scheme shall be submitted and agreed in writing within 6 months of the approval being granted. The scheme must include all aspects, including details of any habitat creation or enhancement, species to be planted, timing of works, programme of implementation and monitoring if deemed necessary. The scheme shall thereafter be carried out in accordance with the approved details. Reason: To protect/enhance the ecological character of the are in accordance with NPPF, and ODPM Circular 2005/06;
  - (4) the development hereby permitted shall not commence unless and until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared and check bird boxes to be relocated on site for evidence of nesting birds and bats immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March - September inclusive) or until after the young have fledged, as advised by ecologist. 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 Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011; and
  - (5) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in
- Item 4 / Page 55

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

Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular 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 be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and 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: To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

### **24. ACT 012/14 – 140-142 Parade (Bill's)**

The Committee considered a report recommending that appropriate enforcement action by way of the service of a Discontinuance Notice directed at the removal of the illuminated sign with a compliance period of seven days from the effective date of the Notice be authorised.

The advertisement, by reason of its positioning inside the building did not require advertisement consent. However in scenarios where Local Planning Authorities considered such advertisements to result in either substantial injury to the amenity of the locality or in danger to members of the public, the advertisement regulations enabled action to be taken to seek to remedy that harmed through the issue of a Discontinuance Notice.

It was the officer's opinion that on this part of Parade, advertisement on surrounding retail units comprised traditional non-illuminated fascia signs in order to preserve and enhance the simple regency character of this part of the Conservation Area and the character and setting of the numerous surrounding listed buildings.

For that reason, it was considered to be detrimental to the character and appearance of the Conservation Area in which it was located and to the visual amenities of the surrounding area such that it was expedient for enforcement action to be taken.

Within the context, the advertisement in question was of a significantly different size and character which in addition by reason of its intensity of illumination was considered to inevitably result in substantial injury to the



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

amenity of this sensitive location to the extent that it was considered expedient to serve a discontinuance notice.

Following consideration of the report and presentation, the Committee was of the opinion that enforcement action should be authorised as per the officer's recommendation.

**Resolved** that appropriate enforcement action ACT 012/14 be **authorised** by way of the service of a Discontinuance Notice directed at the removal of the illuminated sign with a compliance period of seven days from the effective date of the Notice.

(The meeting ended at 10.25 pm)