

# Planning Committee

Minutes of the meeting held on Tuesday 11 September 2018 in the Town Hall, Royal Leamington Spa, at 6.00 pm.

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

**Also Present:** Democratic Services Manager & Deputy Monitoring Officer – Mr Leach; Committee Services Officer – Mrs Tuckwell; Solicitor for the Council – Mr Howarth; Head of Development Services – Mr Barber; Business Manager – Development Services Manager – Mr Sahota; and Senior Planning Officer - Mr Charles.

## 71. **Apologies and Substitutes**

- (a) An apology for absence was received from Councillor Edgington.
- (b) Councillor Ashford substituted for Councillor Day.

## 72. **Declarations of Interest**

Minute Number 79 – W/18/1352 - 12 Staunton Road, Royal Leamington Spa

Councillor Barrott declared an interest because he was the Ward Councillor.

Minute Number 80– TPO 549 - Myton Hospice, Myton Lane, Warwick

Councillor Ashford declared an interest because he was on Warwick Town Council's Planning Committee when the application was discussed. He therefore believed he was predetermined and left the room whilst the item was discussed.

Minute Number 82 – W/18/1060 - 7 Lower Farm, Brownley Green Lane, Hatton

Councillor Cooke declared an interest because the applicant was well known to him. He therefore left the room whilst the item was discussed.

Minute Number 84 – W/18/1372 - Corner of Princes Drive, Coventry Road, Kenilworth

Councillor Mrs Bunker declared an interest because she was the Ward Councillor. She was also contacted by one of the objectors but had advised them of their rights to make representation to the Committee.

## 73. **Site Visits**

There were no site visits made.

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

### **74. Minutes**

The minutes of the meeting held on 14 August 2018 were proposed with two amendments: Minute 55 – Declarations of Interest: Councillor Morris declared an interest as Ward Councillor in relation to Application W/18/0893 – Warwick Castle and Grounds, Castle Hill, Warwick, and not in relation to Minute 59 & 60; and on minute 59, it was Councillor Morris who proposed the application to be refused, and not Councillor Mrs Bunker. The amendments were agreed and duly signed by the Chairman as a correct record.

### **75. W/17/2371 - Land at Rugby Road/Coventry Road, Cubbington**

The Committee considered an application from Bellway Homes (South Midlands) Ltd for the development of 120 dwellings (including 48 affordable units), formation of single access point from Coventry Road and single access point from Rugby Road, highway works, landscaping, public open space and ancillary works.

This application was presented to Committee due to the number of objections received, including one from Cubbington Parish Council.

The officer was of the opinion that the development of these allocated sites (H25 and H26) for the construction of 120 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces and SUD's was considered to be acceptable in principle, in accordance with Local Plan Policy DS11.

Officers were satisfied that the proposals provided high levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants in a well-designed and landscaped setting.

The proposals had a positive impact on the character and appearance of the area and were considered to be acceptable in terms of car parking and highway safety. Furthermore, the proposals were considered to be acceptable in ecological terms, subject to conditions and S.106 contributions thus ensuring that any possible impacts of the development were adequately mitigated.

Officers were satisfied that the site layout demonstrated that the land was capable of being developed for this number of dwellings without causing material harm to neighbouring amenity or the general character of the surrounding area and provided a high quality setting for future occupiers.

Appropriate contributions to offset the potential impact on infrastructure could be secured through an appropriate Section 106 agreement and detailed matters could be secured by condition.

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

An addendum circulated at the meeting advised that three additional consultation responses had been received from Councillor Mrs Redford, Councillor Wright and one public response.

## PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

- Councillor Delow, on behalf of the Parish Council objecting;
- Miss Else, supporting.

The Committee was advised by the Senior Planning Officer that if they were minded to grant, there should be two additional conditions in respect of (1) a requirement of written approval of the proposed layout/ creation and access point on Rugby Road and Coventry Road as well as the internal roads to the requirements of Warwickshire County Council as Highway Authority; and (2) written approval of a requirement for a schedule of archaeological works on both sites. The Solicitor for the Council advised that if granted there needed to be provision to ensure the Head of Development Services was satisfied that the highway contribution was CIL compliant

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Stevens and seconded by Councillor Boad that the application should be granted as set out in the report along with the proposed additional conditions, the Head of Development to be satisfied of the requirement for CIL, conditions set out in the report.

The Committee therefore

### **Resolved** that

- (1) W/17/2371 be **granted**, subject to a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, sustainable drainage; biodiversity offsetting requirements; library improvements; highway improvements and sustainable travel packs; policing; health related improvements; indoor and outdoor sports provision; and public rights of way improvements; provided that the Head of Development Services is satisfied that the highway contribution is CIL compliant and the following conditions:
  - (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
  - (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) **\*\*\*TO BE CONFIRMED\*\*\***, and specification contained therein, submitted on **\*\*\***.  
**Reason :** For the avoidance of doubt and to secure a satisfactory form of

## PLANNING COMMITTEE MINUTES (Continued)

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

- (3) other than site clearance and preparation works, no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) the development (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. The construction method statement shall also adhere to the following restrictions:

### **Noise**

- 1.** Work which is likely to give rise to noise off-site is restricted to the following hours: -  
Mon-Fri 8 am - 5pm,

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

Sat 8am -1pm,  
no working Sundays or Bank Holidays.

**2.** Delivery vehicles are not allowed to arrive on site:

Mon – Fri before 8am or after 4.30 pm

Sat before 8am or after 1 pm

No deliveries on Sundays or Bank Holidays.

**3.** Delivery vehicles are not be permitted to wait outside the construction site before the site is open for working.

**4.** Best practicable means shall be employed at all times to control noise.

The Contractor shall employ the best practicable means to reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 'Noise Control on Construction and Open Sites'.

Without prejudice to the generality of the Contractor's obligations imposed by the above statement, the following shall apply:-

**5.** All vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order.

**6.** All compressors shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.

**7.** Whenever possible only electrically-powered plant and equipment shall be used.

**8.** Acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative.

**9.** All plant and machinery in intermittent use shall be shut down in the intervening periods between work.

### **Dust**

**10.** Unloading shall only take place within

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

the site itself.

**11.** Regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry conditions damping down of road surfaces should be carried out to control dust. A vehicle wheel wash will be provided to minimize carry-over to the highway.

**12.** On-site dust shall be controlled by use of "best practicable means" to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

### **Smoke**

**13.** There shall be no burning on site

### **Light**

**15.** External work lighting, flood lighting, security lights must not cause light nuisance to neighbouring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare.

Other measures may be necessary to prevent nuisance subject to the nature of the construction work and site location. Further advice can be obtained from [ehpollution@warwickdc.gov.uk](mailto:ehpollution@warwickdc.gov.uk)

**Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029;

- (5) no part of the development hereby permitted shall be commenced until a detailed soft landscaping works in the approved application documents. Details of hard landscaping plan have been submitted to and approved in writing by the Local Planning Authority. The details shall include updated landscaping details to include local species appropriate for the site location, including full details of all works to enhance existing boundaries. All planting shall be carried out in accordance with the approved details in the first

## PLANNING COMMITTEE MINUTES (Continued)

planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area, in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (6) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- a. Infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS).
  - b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
  - c. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods.

## PLANNING COMMITTEE MINUTES (Continued)

- d. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- e. If discharging to a drainage system maintained/operated by other authorities (internal drainage board, highway authority, sewerage undertaker), evidence of consultation and the acceptability of any discharge to their system is presented for consideration.
- f. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- g. Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.

**Reason:** To ensure appropriate drainage solutions are provided on site in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in strict accordance with the approved details. **Reason:** In the interests of fire safety;
- (8) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the



## PLANNING COMMITTEE MINUTES (Continued)

Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

- (9) no part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes for swallows to be erected on new buildings within the site has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the platform(s)/box(es) shall be installed and maintained in perpetuity. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029;
- (10) the development hereby permitted shall not commence until details of all external light fittings and external light columns 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. In discharging this condition the District Planning Authority expects lighting to be restricted on the eastern and southern boundaries and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
  - Lighting should be shielded to avoid spillage onto vegetated areas
  - The brightness of lights should be as low as legally possible;
  - Lighting should be timed to provide some dark periods;

## PLANNING COMMITTEE MINUTES (Continued)

- Connections to areas important for foraging should contain unlit stretches.  
**Reason:** In accordance with NPPF, ODPM Circular 2005/06 and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (11) no works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of species planting and habitat enhancements. The agreed scheme to be fully implemented before/during development of the site as appropriate.  
**Reason:** In accordance with NPPF, ODPM Circular 2005/06 and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (12) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).  
**Reason:** In order to protect and preserve

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

existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

(13) a requirement of written approval of the proposed layout/ creation and access point on Rugby Road and Coventry Road as well as the internal roads to the requirements of Warwickshire County Council as Highway Authority; and

(14) written approval of a requirement for a schedule of archaeological works on both sites.

(2) should a satisfactory Section 106 Agreement not have been completed by 12 October 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to **refuse** planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

### **76. W/18/1071 – 121-123 Warwick Road, Kenilworth**

The Committee considered an application from Mr J R Gill Investments Ltd for the variation of condition 2 (plan numbers) of planning permission ref: W/17/1828 (Change of use, conversion and extension of restaurant building (Use Class A3) with associated works to provide 6no. cluster flats providing a total of 23no. bedrooms for use as student accommodation) to allow for alterations to windows; an additional floor providing three additional bedrooms (total 26no.) and an additional car parking space together with rearrangement of the bin and cycle storage areas.

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

The officers were of the opinion that the principle of development was considered acceptable having regard to the applicable policies. There would be no material harm caused to the character of the wider area, the amenity of neighbouring properties or the highway network. Suitable planning conditions could shape and mitigate the development and therefore, it was considered to represent a sustainable form of development overall. Officers recommended that planning permission should be granted.

An addendum circulated at the meeting advised that one additional public response had been received objecting to the proposal.

The following people addressed the Committee:

- Councillor Illingworth, Town Council objecting;
- Mr Tyler, supporting.

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

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Barrott that the application should be refused because it was contrary to the Parking Standards, and it did not meet Policy BE3 by not providing suitable amenity for the future users of the site.

The Committee therefore

**Resolved** that W/18/1071 be **refused**, contrary to the recommendations in the report because

- (1) it was contrary to the Parking Standards; and
- (2) it did not meet Policy BE3 by not providing suitable amenity for the future users of the site.

### **77. W/18/1180 – Faerie Tale Farm, Rouncil Lane, Kenilworth**

The Committee considered an application from Faerie Tale Alpacas Limited for the retention of a timber cabin for occupation by a rural worker on a permanent basis.

This application was presented to Committee as it was recommended for refusal and over five letters of support had been received.

The officer was of the opinion that, given the lack of financial soundness of the business, there was not considered to be sufficient weight to overcome the harm to the Green Belt by the retention of the cabin on a permanent basis and as such there was, in principle, an objection on these grounds. The siting and access arrangements were also considered harmful, although they could potentially be addressed through amended plans.

An addendum circulated at the meeting advised of a further response received from the agent, contesting the Council's Agricultural Consultant's latest comments. Two additional letters of support had also been received.

The following people addressed the Committee:

- Councillor Mrs Gee, Parish Council objecting;
- Mr Vaidya, supporting;
- Councillor Mrs Gallagher (Ward Councillor Objecting)

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

The Committee therefore

**Resolved** that W/18/1180 be **refused**, in accordance with the recommendations in the report because:

The application site is within the Green Belt, wherein the Planning Authority is concerned to ensure that the rural character and openness of the area will be

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

retained and protected in accordance with the National Planning Policy Framework. The provision of a new building represents inappropriate development which is by definition harmful unless certain exceptions are met.

Paragraph 79 of the NPPF states that new isolated homes should be avoided within the countryside unless there are special circumstances to justify them, such as the essential need for a rural worker to live permanently at or near the site.

In the opinion of the Local Planning Authority, the proposed development is contrary to the NPPF as insufficient evidence has been submitted to demonstrate that the existing business is sustainable based on the financial evidence provided. The proposal is therefore considered to constitute inappropriate development in the Green Belt which would be harmful by definition and by Reason of harm to openness.

The proposal would also introduce an isolated dwelling which would not be sustainable development. No very special circumstances are considered to exist sufficient to outweigh the harm. The proposal is therefore contrary to the NPPF and Policy DS18, H12 and BE1 of the Warwick District Council Local Plan 2011-2029.

### **78. W/18/1349 – 199 Leam Terrace, Royal Leamington Spa**

The Committee considered an application from Mr Webb for the erection of a single storey side and rear extension and single storey rear extension after demolition of existing rear structures, erection of pitched roof dormer in rear roof slope and replacement of the main roof tiles with slate.

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

The officer was of the opinion that the design of the proposed rear dormer and side courtyard extension was not in accordance with Warwick District Council's Residential Design Guide SPD and would result in material harm to the character and appearance of this property in the Conservation Area.

An addendum circulated at the meeting advised of an updated dormer design.

The following people addressed the Committee:

- Councillor Quinney, Ward Councillor supporting;
- Mr Rimmer, supporting.

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

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

proposed by Councillor Morris and seconded by Councillor Barrott that the application should be granted by virtue of Policy HE2 and because the Conservation Officer supported the application and on the advice of officers along with standard conditions.

The Committee therefore

**Resolved** that W/18/1349 be **granted**, contrary to the recommendations in the report and by virtue of compliance with Policy HE2, subject to the conditions below:

- (1) the development is to start no later than three years;
- (2) the work is to be completed in line with the approved drawings; and
- (3) requirement of large scale drawings of the details and materials.

(At 8.15pm the Chairman announced a comfort break and the meeting reconvened at 8.30pm.)

### **79. W/18/1352 – 12 Staunton Road, Royal Leamington Spa**

The Committee considered an application from Mr F Roper for the proposed change of use from dwelling house (Use Class C3) to a small three bedroomed HMO (Use Class C4) (Resubmission of W/17/1539).

This application was presented to Committee due to the number of objections and because an objection had been received from Royal Leamington Spa Town Council.

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

An addendum circulated at the meeting advised that one additional consultation response had been received from Councillor Naimo.

The following people addressed the Committee:

- Councillor Knight, Town Council objecting;
- Mr Roper, supporting; and
- Councillor Quinney Ward Councillor Objecting

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application should be granted as per the officer's recommendation.

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

The Committee therefore

**Resolved** that W/18/1352 be **granted** in accordance with the recommendations in the report, subject to the conditions set out in the report:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing Proposed Plan, and specification contained therein, submitted on 13th July 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

### **80. TPO 549 – Myton Hospice, Myton Lane, Warwick**

The Committee considered an application regarding a confirmation of Provisional Tree Preservation Order relating to an oak tree.

This Tree Preservation Order (TPO) was presented to Committee because objections had been received to it being confirmed.

The officer was of the opinion that it was not considered that the issues raised in two letters of objection to the TPO were sufficient to outweigh the significant contribution which the apparently healthy and vigorous mature oak tree made to the public amenity in the immediate vicinity and the wider surrounding area and therefore it was expedient to confirm this TPO.

The following people addressed the Committee:

- Ms Barge, objecting.

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

The Committee therefore

**Resolved** that TPO 549 - Myton Hospice, Myton Lane, Warwick be **confirmed** in accordance with the recommendations in the report.

## PLANNING COMMITTEE MINUTES (Continued)

### 81. **W/18/0554 - Waverley Riding School, Coventry Road, Cubbington** **\*This is a Major Application\***

This item was withdrawn from the agenda to allow further assessment of compliance with Policy H1.

### 82. **W/18/1060 - 7 Lower Farm, Brownley Green Lane, Hatton**

The Committee considered an application from M & A Solicitors LLP for the replacement of existing front garage door with a window, blocking up of existing rear garage window and installation of a roof light in the rear roof slope.

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

The officer was of the opinion that the proposals would have an acceptable impact on the character and appearance of the area and on the living conditions of neighbouring dwellings. Therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting advised that one additional consultation response had been received.

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

The Committee therefore

**Resolved** that W/18/1060 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings LF01, LF02, LF03A, LF04A, submitted on 4th June, 2018, LF06A, submitted on 29th August, 2018 and LF08, and specification contained therein, submitted on 29th August, 2018. **Reason :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) no development shall be carried out on the site



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

which is the subject of this permission, until large scale details of the window and roof light (including a section showing the window reveal, heads and sill details) at a scale of 1:5 (including details of materials and colour) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

**Reason:** To ensure that the rural character and appearance of the farmhouse is protected, in accordance with Policies BE1 and BE4 of the Warwick District Local Plan 2011-2029; and

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

(In the absence of the Chairman and Vice-Chairman of the Committee, Councillor Boad was appointed as Chairman for this item)

83. **W/18/1362 & W/18/1363 LB - 8 Savages Close, Bishops Tachbrook**

These applications were withdrawn by the applicant and therefore the items were withdrawn from the agenda.

84. **W/18/1372 - Corner of Princes Drive, Coventry Road, Kenilworth**

The Committee considered an application from Mr C Rose for the erection of a four bedroom dwelling with associated amenity and parking.

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

The officer was of the opinion that, although adjacent to the Green Belt, the site was wholly within the urban boundary of Kenilworth and therefore the principle of housing was acceptable at this location. Consideration had been given to the scale, design and materials to be used for the dwelling and its associated landscaping given the semi-rural nature of this location. The impact on neighbouring properties and highway safety was deemed to be acceptable. Weighing all of these factors up, the scheme was recommended to be approved.

An addendum circulated at the meeting advised that one additional consultation response had been received.

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

## PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

**Resolved** that W/18/1161 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (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) 17-1666/001e and 17-1666/003e, and specification contained therein, submitted on the 19th and 16th July 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) other than site clearance and preparation works, no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) the development (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

## PLANNING COMMITTEE MINUTES (Continued)

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. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 and NE5 of the Warwick District Local Plan 2011-2029;

- (5) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (6) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;
- (7) no part of the development hereby permitted shall be commenced until a scheme for the provision of bat and bird boxes to be erected on the building within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing

## PLANNING COMMITTEE MINUTES (Continued)

of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

**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 NE2 of the Warwick District Local Plan 2011-2029;

- (8) other than site clearance and preparation works, no works shall commence on the construction of the development hereby permitted until a hard and soft landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in strict accordance with the approved details. Details of hard landscaping works shall include boundary treatment; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029; and
- (9) no part of the development hereby permitted shall be commenced until a scheme for the provision of bat and bird boxes to be erected on the building within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be

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

installed and maintained in perpetuity.

**Reason:** To safeguard protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

### **85. Planning Appeals Report**

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

**Resolved** that the report be noted.

(The meeting ended at 9:26 pm)

CHAIRMAN  
9 October 2018