

# Planning Committee

Minutes of the meeting held on Wednesday 10 November 2015 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Mrs Falp, Miss Grainger, Mrs Hill, Mrs Knight, Morris, Mrs Stevens and Weed.

**Also Present:** Committee Services Officer – Mr Leach; Democratic Services Assistant - Miss Brownlee; Legal Advisor – Mr Howarth; Head of Development Services – Mrs Darke and Development Manager – Mr Fisher.

## 98. **Substitutes**

Councillor Edgington substituted for Councillor Cain.

## 99. **Declarations of Interest**

Minute Number 120 – W15/1481 – 5 Franklin Road, Whitnash

Councillor Falp declared an interest because the application site was in her Ward. 5 Franklin in her ward – She heard the debate at WTC when it was discussed.

Minute Number 102 -W/15/0905 – Station Approach, Royal Leamington Spa

Councillor Weed declared an interest because the application site was of personal interest.

Councillor Knight declared an interest because the application site was in her Ward.

Minute Number - W/15/1419 – Former Honiley Airfield (Jaguar Land Rover), Oldwich Lane East, Wroxall

Councillor Ashford declared an interest.

W/15/1022, W/15/1338, W/15/1339– Rugby Tavern, 43 Rugby Road, Cubbington

Councillor Stevens declared an interest as it is in her constituents and contacted by her constituents and CycleWays.

W/15/1325 – 7 Upper Rosemary Hill, Kenilworth

Councillor Hill declared an interest because the application site was in her Ward.

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

W/15/1335 – 45 Abbey End, Kenilworth

Councillor Hill declared an interest because the application site was in her Ward.

W/15/1680 – 65A Red Lane, Burton Green

Councillor Hill declared an interest because the application site was in her Ward.

### **100. Site Visits**

To assist with decision making nine Counillors had visited the following application sites on Saturday 7 November 2015.

W15/1294: Land at Wasperton Lane, Barford  
W/15/0905: Station Approach, Royal Leamington Spa  
W/15/1438: 29 The Fairways, Royal Leamington Spa  
W/15/1022: Rugby Tavern, 43 Rugby Road, Cubbington  
W/15/1338: Rugby Tavern, 43 Rugby Road, Cubbington  
W/15/1339: Rugby Tavern, 43 Rugby Road, Cubbington  
W/15/1419: Former Honiley Airfield (Jaguar Land Rover), Oldwich Lane East, Wroxall  
W/15/1325: 7 Upper Rosemary Hill, Kenilworth

Councillor Morris apologised for being late to the meeting and confirmed that he attended the site visits.

### **101. Minutes**

The minutes of the meetings held on 14 October 2015 were taken as read and signed by the Chairman as a correct record.

### **102. W15/1738 – Offa House, Village Street, Offchurch**

The Committee considered an application from Coventry Diocesan Board of Finance Change for the use of Diocesan retreat house to short term residential accommodation for refugees (for a temporary period of up to five years)

This application has been requested to be presented to Committee by Councillor Doody.

The Officer was of the opinion that this was a suitable location for the proposed use and the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Furthermore, the proposals would preserve the character and appearance of the Listed Building and the Conservation Area. Therefore it was recommended that planning permission be granted.

Further information regarding the application was circulated at the meeting in the officers addendum.

Councillor Doody, spoke as Ward Councillor, in support of the application.

## **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 Knight and seconded by Councillor Falp that the application be granted, as outlined in the addendum circulated at the meeting.

The Committee therefore

**Resolved** that the Committee are minded to application W15/1738 being granted, with authority delegated to the Head of Development Services to determine the application in accordance with the resolution recommendation and conditions in the report after the end of the consultation period on 16 November 2015, provided that no significant new issues are raised in any further consultation responses received prior to that date.

(Councillor Morris arrived during this item and therefore did not vote on this matter)

### **103. W15/0905 – Station Approach, Leamington Spa**

The Committee considered an application, from Waterloo Housing Group, for the demolition of the existing bus depot, car sales lot and disused building between the lower and upper portions of Station Approach and changes to existing Warwick District Council car park reducing spaces from 300 down to 100. Construction of 212 homes consisting of 118 flats and 94 houses with ancillary parking, open space and associated highway alterations to Station Approach.

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

Officers were mindful of the significant benefits of bringing forward this scheme, including the transformation of this 'brownfield' site at an important gateway to Royal Leamington Spa with a high quality residential development and the high levels of affordable housing it will contribute, which were considered to outweigh the loss of the contributions.

The following people addressed the Committee; Mr N Hutchinson, Ms B Mathews, Mrs T Newby, Mr J Weber, Mr Baxter and Mrs Holland all speaking in objection to the application and. Mr A Riley speaking in support of the application.

Further information regarding the application was circulated at the meeting in the officers addendum.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Boad that the application be granted, subject to the conditions in the report along with an additional note to the applicant regarding site access.

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

The Committee therefore

**Resolved** that application W15/0905 be granted subject to the following conditions, below, and a note to the applicant regarding site access:

- (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) MP01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16 (Rev P1); HA1\_01, HA02\_01, HC1\_01, HC2\_01, HD1/2\_01, HD3/4\_01, HE1\_01, HF1\_01, HF2\_01, HGK1\_01, HH1\_01, HI1\_01, HJ1\_01, (Rev P01); B\_A\_01, B\_A\_02, B\_A\_03, B\_A\_E01, B\_A\_X01, B\_B\_01, B\_B\_03, B\_B\_03, B\_B\_E01, B\_B\_X01, B\_C\_01, B\_C\_02, B\_C\_03, B\_C\_E01, B\_C\_X01, B\_D\_01, B\_D\_02, B\_D\_03, B\_D\_E01, B\_D\_X01, B\_E\_01, B\_E\_02, B\_E\_03, B\_E\_E01, B\_E\_X01, B\_FGH\_01, B\_FGH\_E01 (Rev 01); G\_01, G\_02, G\_03 (Rev P1); ES\_01 Rev P1; SE\_01, SE\_02, SE\_03 (Rev P01); BMD.15.007.DR.P002, BMD.15.007.DR.P104, BMD.15.007.DR.P101, BMD.15.007.DR.P102, BMD.15.007.DR.P103, BMD.15.007.DR.P001, MID3943\_001 and specification contained therein, submitted on 08th June 2015.  
**Reason** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all

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

times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (4) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. The disposal of both surface water and foul water drainage directed away from the railway.

**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;

- (5) prior to each phase of development approved by this planning permission no development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- A supplementary site investigation scheme, based on the findings and recommendations of the two ground investigation reports produced by GIP Ltd (report refs. ML/21961, dated 26th June 2014 and ML/22841, dated 10th April 2015) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should be carried out following the vacation of the site by the current occupiers, allowing full access to all areas of the site.
- The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are

## PLANNING COMMITTEE MINUTES (Continued)

complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components will require details to be resubmitted to the Local Planning Authority for subsequent agreement. The scheme shall be implemented as approved.

**Reason** To protect the quality of 'Controlled Waters' receptors on and in the vicinity of the site, primarily the groundwater held within the underlying Secondary A aquifer and for the satisfactory and proper development of the site in accordance with Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

- (6) prior to occupation of the dwellings hereby approved (or that relevant phase of development) details shall be submitted to and approved in writing by the Local Planning Authority for a suitable trespass proof fence adjacent to the boundary with the railway. All details shall be carried out as approved.

**Reason** To protect the adjacent railway from unauthorised access and improve community safety in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011;

- (7) prior to the commencement of the development (or relevant phase of development) full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Network Rail. All details shall be carried out as approved. **Reason** To protect the adjacent railway from any undue disruption to the operation of train services;

- (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 mixed open space facilities will be incorporated into the development, to include informal open space and appropriate children's play facilities. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter.

**Reason** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy SC13 of

## PLANNING COMMITTEE MINUTES (Continued)

the Warwick District Local Plan 1996-2011;

- (9) 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;
  - 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 that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3 and DP9 of the Warwick District Local Plan 1996-2011;

- (10) the development hereby permitted 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 control of Japanese knotweed, pre-commencement checks for badgers and breeding birds and appropriate working practices and safeguards for reptiles, amphibians and bats 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

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

Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011.

- (11) no construction shall be undertaken until a Construction Management Plan, which should contain a Construction Phasing Plan, measures to prevent mud and debris being deposited on the highway, details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, demolition or clearance works, delivery times, restrictions on burning, details of all temporary contractors buildings, plant and storage of materials associated with the development process and HGV Routing Plan is submitted and approved by the Local Planning Authority. All details shall be carried out as approved.

**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;

- (12) the development shall be carried out only in full accordance with sample details of the facing and roofing 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 Policy DP1 of the Warwick District Local Plan 1996-2011;

- (13) 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;

- (14) the development hereby permitted shall not commence until a scheme detailing low energy mechanical ventilation (to relevant facades) to protect residents of the development from



## PLANNING COMMITTEE MINUTES (Continued)

excessive traffic/railway noise entering habitable rooms 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 noise and disturbance from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (15) the development hereby permitted shall not commence until a further bat transect survey of the site has been carried out in September in accordance with BCT Bat Surveys – Good Practice Guidelines and, if necessary an updated schedule of mitigation measures including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason** To ensure that protected species are not harmed by the development in accordance with Policy DAP3 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF;
- (16) an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site and any report of the findings must be submitted to and approved in writing by the local planning authority prior to first occupation. The report of the findings, to be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', must include; (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risk to; human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monument; (iii) an appraisal of remedial options, and proposal of the preferred option(s). **Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with

## PLANNING COMMITTEE MINUTES (Continued)

those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (17) the development hereby permitted shall not be commenced 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 to the satisfaction of the Local Planning Authority.  
**Reason** In the interests of fire safety;

- (18) the development shall be undertaken in accordance with a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared which shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. **Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (19) the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the

## PLANNING COMMITTEE MINUTES (Continued)

remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced shall be submitted to and approved in writing by the local planning authority. **Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (20) in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (No.16), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (No.17), which shall be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition (No.18). **Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;
- (21) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A)

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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;

- (22) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason** To protect trees and other features on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (23) the hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the first dwellinghouse (of that relevant phase and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation (of that relevant phase). Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any

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

variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (24) no infiltration of surface water drainage into the ground is permitted other unless this has been agreed in writing with the Local Planning Authority. This may be appropriate only for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. **Reason** To protect the quality of 'Controlled Waters' receptors on and in the vicinity of the site and for the satisfactory and proper development of the site in accordance with Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;
- (25) if piling or any other foundation designs using penetrative methods are used works shall not commence unless and until details have first been submitted to and agreed in writing by the Local Planning Authority. Penetrative foundation methods may be appropriate for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. **Reason** Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011 and the NPPF; and
- (26) prior to groundworks, remediation or built construction the access to the site shall be implemented, located and laid out in general accordance with drawing MID3943\_001. **Reason** To ensure that a satisfactory access in the interests of highway safety in

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

accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

### **104. W15/1022 – Rugby Tavern, 43 Rugby Road, Cubbington, Leamington Spa**

The Committee considered an application, from Spirit Pub Company, for the demolition of an outbuilding and erection of a convenience store (Use Class A1) with ATM and provision of new car parking area to rear of public house.

This application was being presented to Committee due to the number of objections and an objection from the Parish Council having been received.

The Case Officer was of the opinion that the proposals were considered to be in accordance with the retail policies of the local plan and the NPPF and would not unacceptably impact upon the vitality and viability of the nearby local shopping centres. The proposals were also considered to be acceptable in terms of car parking, highway safety, the impact on trees and the impact on bats. Furthermore the design of the store was considered to be appropriate for this location and the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Therefore it was recommended that planning permission be granted.

Further information regarding the application was circulated at the meeting in the officers addendum.

The following people addressed the Committee; Mr D Cox and Mr R Jhuti were speaking in objection to the application; Mr M Phipps in support of the application and Councillor Harrington as Ward Councillor speaking in objection to the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Stevens and seconded by Councillor Ashford that the application be refused due to loss of amenity for residents and increase in traffic. On being put to the vote the proposal was lost.

A proposal that the application be granted was proposed by Councillor Boad and seconded by Councillor Morris in line with the Officer Recommendation and an additional condition regarding boundary screening.

The Committee therefore:

**Resolved** that application W15/1022 to be granted subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.

**Reason** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

## PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 1523.PL3D, 1523.PL4B, 1523.PL5 & 1523.PL8, and specification contained therein, submitted on 25 June 2015 and 19 October 2015.

**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 shall be carried out only in full accordance with sample details of the facing and roofing 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 Policy DP1 of the Warwick District Local Plan 1996-2011;

- (4) the development hereby permitted shall not commence until details of the finished floor levels of the building, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **Reason** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall either:

a) be timetabled and carried out to avoid the bird nesting season (March to September inclusive); or

b) not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds (immediately prior to works commencing). If evidence of nesting birds is found works shall not proceed within 20m of the nesting site until outside of the bird nesting season (March to September inclusive).

**Reason** To prevent possible disturbance to nesting birds, in accordance with Policy DP3 of the Warwick District Local Plan;

- (6) no works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise, demolition or clearance works, details of wheel washing, delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan.

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

- (7) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (8) 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 during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (9) 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

## PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 1996-2011;

- (10) all trees and shrubs proposed in the Tree Planning Schedule (ref. JH0915RUGPHL\_2) approved with this application shall be planted within six months of the first use of the shop hereby permitted. 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;
- (11) the shop hereby permitted shall only be open to the public between the hours of 0700 and 2300. **Reason** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (12) no external lighting shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **Reason** : To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;
- (13) the proposed additional car parking spaces hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the shop hereby permitted, in full accordance with the approved plans. This and all other car parking areas shown on the approved plans shall be retained and kept free from obstruction and available for the parking of vehicles in association with the shop hereby permitted and the existing public house at all times thereafter. All of the car parking spaces shall be shared between the

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

public house and the shop. None of the parking spaces shall be reserved for either particular use or for any other use. **Reason** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

- (14) the shop hereby permitted shall not be occupied until the pedestrian access routes, car parking, servicing and manoeuvring areas have been constructed and marked out in strict accordance with the approved plans. The car parking spaces shall be retained at all times thereafter. **Reason** : To ensure that suitable provision is made for pedestrian access, parking and servicing, in accordance with Policies DP6 and DP8 of the Warwick District Local Plan;

- (15) the shop hereby permitted shall not be occupied until:

(a) details of signage and / or line markings to ensure that the entrance and exit arrangements are clear to road users have been submitted to and approved in writing by the local planning authority;

(b) details of signage to direct customers to the proposed rear parking area have been submitted to and approved in writing by the local planning authority; and

(c) the signage and / or line markings approved under (a) and (b) have been completed in strict accordance with the approved details.

**Reason** : In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

- (16) the cycle provision shown on the approved plans shall be completed before the development hereby permitted is first occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **Reason** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

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

- (17) with the exception of newspaper deliveries, no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **Reason :** To protect the living conditions of nearby residents, in accordance with Policies DP2, DP6 & DP9 of the Warwick District Local Plan 1996-2011;
- (18) 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;
- (19) the development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter. **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;
- (20) all refrigeration plant on delivery vehicles shall be switched off while the vehicle is stationary. **Reason :** To protect the living conditions of nearby dwellings, in accordance with Policy DP2 of the Warwick District Local Plan;
- (21) the development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in Section 5 of the document 'Phase 1 Bat Survey for Rugby Tavern, 43 Rugby Road, Cubbington, CV32

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

7HZ - amended version 7th September 2015' prepared by Ridgeway Ecology Ltd, received by the District Planning Authority on 8th September 2015. These measures must be carried out by a licensed BLICL bat worker.

**Reason :** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan;

(22) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the existing public house shall remain in use as a public house and for no other purpose. **Reason** To protect the vitality and viability of nearby local shopping centres, in accordance with Policy UAP3 of the Warwick District Local Plan; and

(23) improved boundary screening.

### **105. W15/1338 - Rugby Tavern, 43 Rugby Road, Cubbington, Leamington Spa**

The Committee considered an application, from Sainsbury's Supermarkets Limited, for the installation of plant equipment.

The application was being presented to Committee due to an objection from the Parish Council having been received.

The Officer was of the opinion that The proposal was considered to be in accordance with the policies contained in the Local Plan and the NPPF and would have an acceptable impact on nearby surrounding residents and character and appearance of the area and it was therefore recommended that planning permission be granted.

Further information regarding the application was circulated at the meeting in the officers addendum.

The following people addressed the Committee; Mr D Cox and Mr R Jhuti were speaking in objection to the application; Mr M Phipps in support of the application and Councillor Harrington as Ward Councillor speaking in objection to the application.

Following consideration of the report, officers addendum, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Morris that the application be granted in line with Officers recommendation.

The Committee therefore:

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

**Resolved** that application W15/1338 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 numbers 301 and 308, and specification contained therein, submitted on 21 August 2015. **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) noise arising from any plant or equipment at these premises , 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 amenity of nearby residents from noise and disturbance and to satisfy the requirements of Policy DP9 in the Warwick District Local Plan 1996-2011.

106. **W15/1339 – Rugby Tavern, 43 Rugby Road, Cubbington, Leamington Spa**

The Committee considered an application, from Sainsbury's Supermarkets Limited, for the display of 2 no internally illuminated fascia sign; 1 no internally illuminated double sided totem sign (3.5 meters high) together with directional freestanding signs.

The application was presented to the Committee due to the number of objections and an objection from the Parish Council having been received.

The Officer was of the opinion that the proposal was considered to be acceptable in terms of the appearance of the area and would not give rise to harm to public or highway safety and it was therefore recommended that advertisement consent be granted.

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

Further information regarding the application was circulated at the meeting in the officers addendum.

The following people addressed the Committee; Mr D Cox and Mr R Jhuti were speaking in objection to the application; Mr M Phipps in support of the application and Councillor Harrington as Ward Councillor speaking in objection to the application.

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

The Committee therefore

**Resolved** that they application W/15 1339 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 number 305, 306 and 307 Rev A, and specification contained therein, submitted on 21 August 2015. **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 advertisements hereby permitted shall only be illuminated by white light. **Reason** To ensure a high standard of design and appearance within the streetscene and to satisfy Policy DP1 of the Warwick District Local Plan 1996-2011;
- (3) no advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission;
- (4) no advertisement shall be sited or displayed so as to:
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device

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

used for the purpose of security or surveillance or for measuring the speed of any vehicle;

- (5) any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site;
- (6) any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public;
- (7) where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

### **107. W15/1294 – Land at Wasperton Lane, Barford, Warwick**

The Committee considered an application, from Sharba Homes Ltd, for the erection of 8 dwellings served via Wasperton Lane, with associated landscaping and car parking; and all ancillary and enabling works.

The application was presented to the Committee due to the number of objections and an objection from the Parish/Town Council having been received.

The Officer was of the opinion that the Council's current position was that a five year supply of deliverable housing sites cannot be demonstrated and that Policy RAP1 was therefore to be considered out-of-date. The application site was considered to be within a sustainable location and the scheme would increase the supply of land for housing and contribute towards helping the Council achieve its five year housing requirement, which carried significant weight in this determination.

The developments were considered to comply with other current Local Plan policies and with the policies of the NPPF as a whole. The presumption in favour of sustainable development also carried substantial weight. It was considered that the development successfully addresses its relationship to the heritage assets, principally Barford House and the Barford Conservation Area and that there would be a less than substantial impact on those assets. The most sensitive part of the site, that adjacent Barford House would be retained as open space with the proposed landscaping reflecting the historic Parkland setting so that any visual harm for the Conservation Area/Barford House was appropriately mitigated. The scheme also needed to be balanced against the wider benefits of the development listed above and these were considered to outweigh any harm. It was therefore concluded that the development should be granted.

Further information regarding the application was circulated at the meeting in the officers addendum.

The following people addressed the Committee: Councillor Murphy, Mr G Harrison, Mr Scott and Mr Roberts was speaking in objection to the application; and Ms K Ventham was speaking in support of the application.



## **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 Ashford and seconded by Councillor Falp that the application be granted. The proposer and seconder agreed to an additional note being included that the developer should endeavour to seek alternative means to sustainably maintain the parkland area in perpetuity.

The Committee therefore:

**Resolved** that application W15/1294 be granted subject to the following conditions, below, along with a note seeking the developer to find alternative means to sustainably maintain the parkland area in perpetuity:

- (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 Proposed Site plan dwg no.3270-05 Rev G; Units 1 & 2 dwg no. 3270-10Rev D; Units 6, 7 & 8 dwg no. 3270-14 Rev E; Street Elevation to Wasperton Lane dwg no. 3270-20 Rev D, and specification contained therein, submitted on 20th October 2015 and approved drawings Landscape Master Plan dwg no. 24934-RG-L01 Rev A, and specification contained therein, submitted on the 26th October 2015 and approved drawings Unit 3 dwg no. 3270-11 Rev E; Unit 4 dwg no. 3270-12 Rev D and Unit 5 dwg no. 3270-13 Rev D, and specification contained therein, submitted on the 27th October 2015. **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 shall be carried out only in full accordance with sample details of the facing, roofing, paving and boundary 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 Policy DP1 of the Warwick District Local

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

Plan 1996-2011;

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

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

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

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

- (5) the development (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 smoke, noise and the emission of dust and dirt during demolition and construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **Reason** In the interests of highway safety, the free flow of traffic and the amenities of the occupiers of nearby properties in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall be carried out in strict accordance with 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;

- (7) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (8) no development shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the planning authority. The plan shall include:

- Further bat survey of the trees as in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

a) A detailed badger survey has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full;

**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;

- (9) the development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, 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;
- (10) 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 District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason** To ensure a net biodiversity gain in accordance with NPPF;
- (11) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees, and hedges to be retained on site has been submitted to and approved in

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

writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason** To protect 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;

- (12) the development hereby permitted shall not commence until an Environmental Compensation Scheme has been submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented in full. **Reason** To ensure satisfactory compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework;
- (13) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, estate railings, tree guards and gates to be erected, and the replacement / restored wooden gates and piers to the entrances from Wasperton Lane and Wellesbourne Road, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellings hereby permitted;

## PLANNING COMMITTEE MINUTES (Continued)

the soft landscaping works shall include the following:

- historically appropriate species of coniferous and deciduous trees, with an assessment of how this planting will mitigate views from Barford House.
- details on the stock size of trees to be planted.
- a historically informed restoration of the rockery identified to be retained.

and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2, DP3, DAP3 & DAP4 of the Warwick District Local Plan 1996-2011;

- (14) 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 further development shall take place within the curtilage of any dwelling house hereby permitted without the prior written approval of the local planning authority. **Reason** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties. Therefore, no additional development is to be carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011. / **Reason** That due to the restricted nature of

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

the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (15) the development hereby permitted shall not begin until a scheme detailing the affordable housing provisions has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it. The scheme shall include:

- (a) the tenure split;
- (b) the arrangements for the management of the affordable housing;
- (c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, and
- (d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason** To meet the requirements of Policy SC11 of the Warwick District Local Plan 1996-2011;

- (16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the window(s) to be formed in the western facing elevation of the dwelling hereby permitted to Plots 2 & 3 shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (17) none of the dwellings hereby approved shall be occupied unless and until an access for vehicles has been provided to the site not less

## PLANNING COMMITTEE MINUTES (Continued)

than 5metres in width for a distance of at least 7.5metres, and the access shall be surfaced with a bound material for a distance of at least 7.5m, as measured from the near edge of the public highway carriageway. **Reason** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(18) before any of the dwellings hereby approved are occupied visibility splays shall have been provided to the access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4metres and 'y' distance of 43metres 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 0.6metres above the level of the public highway carriageway. **Reason** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(19) the dwellings hereby approved 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 adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011;

(20) the dwellings hereby permitted shall not be occupied unless and until the means of access to the site has been provided in full accordance with details as shown on drawing no. 3270-05 Rev G and thereafter the means of access shall be kept available for use by vehicular traffic at all times unless otherwise agreed in writing by the local planning authority. **Reason** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(21) no development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority



## PLANNING COMMITTEE MINUTES (Continued)

expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other 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 the brightness of lights should be as low as legally possible

(b) lighting should be timed to provide some dark periods

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

The agreed scheme shall be fully implemented and maintained in accordance with the approved detail thereafter. **Reason** To ensure appropriate measures are taken in relation to 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;

- (22) no dwelling shall be occupied unless and until street lighting has been provided on the means of access serving that dwelling or any associated parking areas in accordance with details submitted to and approved in writing by the local planning authority. **Reason** In the interests of public safety and the amenities of future residents in accordance with Policies DP1 & DP14 of the Warwick District Local Plan 1996-2011; and

- (23) a landscape management plan, including long term design objectives, long term management responsibilities and maintenance schedules for the landscape parkland and garden areas to Plots 3, 4 & 5 shall be submitted to and approved in writing by the local planning authority before the first occupation of the development hereby permitted. The landscape management plan shall be implemented as soon as the approved landscaping is carried out and shall not be withdrawn or altered in any way without the prior written approval of the local planning authority. **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, DP3, DAP3 & DAP4 of the Warwick District Local Plan 1996-2011.

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

### **108. W15/1335 – 45 Abbey End, Kenilworth**

The Committee considered an application from Mr Kullar for the erection of single storey rear extension.

The application was presented to the Committee due to an objection from the Town Council having been received.

The Officer was of the opinion that the size and design of the extension complies with Policy DP1 of the WDLP. There were no adverse amenity issues caused by the extension and there was sufficient space to take into account both parking requirements and the requirements for servicing of the unit. The proposed extension was therefore considered acceptable.

Councillor Illingworth addressed the Committee, on behalf of Kenilworth Town Council, speaking in objection to the application.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Knight that the application be granted and seconded by Councillor Boad which, on being put to the vote was lost. It was proposed by Councillor Ashford, that the application be refused, seconded by Councillor Bunker and on being put to the vote was lost. Following further discussion it was proposed by Councillor Cooke that the application be granted which was seconded by Councillor Boad.

**Resolved** that application W15/1335 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) 6061 01, and specification contained therein, submitted on 19.8.15. **Reason** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) 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.

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

### **109. W15/1419 – Former Honiley Airfield (Jaguar Land Rover), Oldwich Lane East, Wroxall**

The Committee considered an application from Jaguar Land Rover for the erection of a building to accommodate the vehicle operations division of Jaguar Land Rover, and ancillary works including car parking, 'work in progress' storage areas for part-prepared vehicles, amendments to the existing vehicle track circuit, track and infield access, site access, landscaping and other ancillary works.

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

The Officer was of the opinion that the proposals subject of the application facilitate the continuing growth and development of a major local, regional and national employer with clear and widespread economic benefits. Considerable and substantial elements of the scheme comprise appropriate development within the Green Belt whilst the remainder are clearly considered to be justified by very special circumstances and appropriately mitigated within the surrounding area.

The proposed development would be brought forward in a manner which was acceptable in design terms and which did not unacceptably impact upon highway safety or residential amenities and it was therefore considered that planning permission should be granted.

Further information regarding the application was circulated at the meeting in the officers addendum.

The following people addressed the Committee Mr R King and Mrs B Starkey, was speaking in objection to the application; and Mrs Clarke was speaking in support of the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Bunker that the application be granted subject to an amendment to condition 12, regarding the use of low energy lighting and minimising light pollution; along with an additional note to the applicant requesting a discussion cyclist safety with Cycle Ways.

The Committee therefore

**Resolved** that application W15/1419 be granted subject to the following conditions, below, along with a note to the applicant requesting a discussion cyclist safety with Cycle Ways:

- (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);

## PLANNING COMMITTEE MINUTES (Continued)

- (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) 103 Rev D, BEA 1524-12 Rev C, 6756-GA-301 Rev B, 6756-LE-400 Rev C, 16032 A0903 - P1 16032 A0904 - P1, 16032 A0905 - P1, 16032 A0906 - P1, 16032 A0907 - P1, 16032 A0908 - P1, 16032 A0909 - P1, 16032 A0910 - P1, 16032 A0911 - P1, 16032 A0912 - P1, 16032 A0913 - P1 and specification contained therein, submitted on 21/08/15, except as required by conditions 3-18 below. **Reason** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall be carried out in strict accordance with 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;
- (5) no development shall take place unless and until a Low Emission Strategy has been

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (6) no development shall commence unless and until a scheme ("the scheme") to ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include:
1. Proposals for on-site mitigation (full details of which will be provided in relation to each phase of development) and/or for off-site offsetting;
  2. A methodology for the identification of any receptor site(s) for offsetting measures;
  3. The identification of any such receptor site(s);
  4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
  5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).
- The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved. **Reason** To ensure net biodiversity gain through on-site compensation and/or bio-diversity offsetting in accordance with the aims and objectives of the National Planning Policy Framework (NPPF) and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (7) the development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the

## PLANNING COMMITTEE MINUTES (Continued)

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 and monitoring, 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 Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (8) the development hereby permitted shall not commence until a detailed schedule of great crested-newt mitigation measures (to include timing of works, protection measures, enhancement details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures 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 Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (9) no work to start until a reptile presence/absence survey has been carried out at the appropriate time of year and during appropriate weather conditions, by a suitably qualified ecologist. Appropriate mitigation measures as recommended following results of the survey to be submitted to and agreed in writing by the Local Planning Authority. Approved details shall be carried out 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 Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (10) 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

## PLANNING COMMITTEE MINUTES (Continued)

District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason** To ensure a net biodiversity gain in accordance with NPPF;

- (11) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees, and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason** To protect trees and other features on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (12) no development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the Local Planning Authority. In discharging this condition the LPA expects lighting to be low energy and restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other 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;

## PLANNING COMMITTEE MINUTES (Continued)

- b. the brightness of lights should be as low as legally possible;
- c. lighting should be timed to provide some dark periods;
- d. connections to areas important for foraging should contain unlit stretches.

The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3 and DP9 of the Warwick District Local Plan 1996-2011;

- (13) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick



## PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 1996-2011;

- (14) 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, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is a viable means of managing the surface water runoff from the site.
  - Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697, C687 and the National SuDS Standards.
  - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to the equivalent Greenfield runoff rates for the site.
  - Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
  - 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 designed system for a range of return periods and storm 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.
  - Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

**Reason** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

- (15) no construction shall be undertaken until a Construction Management Plan, which should contain details of a Construction Phasing Plan, measures to prevent mud and debris being deposited on the highway, any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, demolition or clearance works, details of wheel washing, delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process and a HGV Routing Plan has been submitted to and approved in writing by the Local Planning Authority. All details shall be carried out as approved. **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) the development shall not be commenced unless and until a noise management plan has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full. **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;
- (17) the development hereby permitted (or relevant phase of development) shall not commence until a preliminary assessment of risk of unexploded ordnance at the site (or the relevant phase of development) has been submitted to and approved in writing by the local planning authority. If the assessment identifies a risk of unexploded ordnance, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall not be carried out until remediation measures have been carried out in full accordance with such approved details. **Reason** To safeguard health and safety in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (18) the development shall not commence unless and until full details of the scale, external appearance and facing and roofing materials of the gatehouse, track control and business protection building, motorcycle/cycle store, fuel tanks, water fire suppression sprinkler tanks and pump house have been submitted to and approved in writing by the local planning authority. All details shall be carried out as approved. **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;
- (19) the car parking areas shown on the approved plans shall be constructed prior to occupation of the main workshop/office building and thereafter be permanently retained for parking purposes for the development hereby permitted. **Reason** : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (20) the buildings shall be used for automotive and motorsport research and development together with ancillary office provision and ancillary low volume developmental production and for no other purpose including any other purpose in Class B1(b) of Part B of the Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **Reason** Permission is only granted for this development for the very special Reason s given by the applicants and, therefore, it would be inappropriate to grant consent for other purposes in this Green Belt location;
- (21) 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 by the approval of a remediation method statement. The remediation method statement must detail how this unsuspected contamination shall be

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

deal with. All details shall be carried out as approved. **Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011; and

- (22) the development hereby permitted shall not be occupied unless and until the new site roundabout access from Honiley Road has been constructed, laid out and implemented in accordance with drawing number 103 Rev D. As previously agreed under planning permission W/06/0309. **Reason** To ensure that a satisfactory access in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

### **110. W15/1438 - 29 The Fairways, Royal Leamington Spa**

The Committee considered an application from Mr Joyce for an erection of two storey side extension with replanned layout of existing single storey extension to rear of property

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

The Officer was of the opinion that in the opinion of the Local Planning Authority, the proposed two storey side extension and the alterations to the property as amended were acceptable in principle and would not affect neighbouring amenity to a degree that would warrant a recommendation of refusal. The proposal was therefore considered to comply with the policies listed and be recommended for approval.

Dr L Bower, spoke in objection to the application on behalf of residents in the area.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Boad that the application be granted in line with the Officers recommendation.

The Committee therefore

**Resolved** that application W15/1438 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);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 14335-003E, 14335-005E and 14335-004E 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) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or doors shall be inserted at ground or first floor level on the North-West facing elevation without the prior written approval of the Local Planning Authority. **Reason** That due to the nature of the development and its relationship with the adjoining property it is considered important to ensure that no additional

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

windows or doors are provided in order to protect the amenities of neighbouring residents in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

### **111. W15/1680 – 65A Red Lane, Burton Green**

The Committee considered an application from Mr Owen for the erection of a single-storey rear extension and raised patio with screening (retrospective application).

The application is being presented to Committee because it is considered appropriate for this revised application to be considered by Committee and due to an anticipated objection from the Parish Council being received.

The Officer was of the opinion that the extension was considered to be appropriate development in the Green Belt. It would not harm the character and appearance of the street scene and would not cause any undue harm to the neighbouring properties by loss of amenity or light. That revised application was therefore considered to be acceptable.

Further information regarding the application was circulated at the meeting in the officers addendum.

The following people addressed the Committee; Ms K Bould was speaking in objection to the application and Mr J Owen was speaking in support of the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Hill and seconded by Councillor Boad that the application be granted with the a revised condition regarding maintenance of the fence.

The Committee therefore

**Resolved** that application W15/1680 be granted subject to the following conditions:

- (1) the development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved drawing(s) 4278 03 E, and specification contained therein, submitted on 12.10.15.  
**Reason** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (2) trellis fence hereby permitted shall be fully erected within two months of the date of this decision and in full accordance with the approved details. The fence shall be retained and maintained in position and not removed

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

without the written permission of the Local Planning Authority. Reason To protect the amenities of the neighbouring property in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

### **112. W15/1325 – 7 Upper Rosemary Hill Kenilworth**

The Committee considered an application from Mrs Shearer to demolition of existing dwelling and erection of 3no. replacement dwellings with all matters reserved except for access and layout

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

The Officer was of the opinion that the development proposed a layout that would integrate into the existing pattern of development and reflected the layout, character and quality of the surrounding area. The development would not have had an adverse impact to adjacent dwellings, and achieves minimum separation distances as required by the SPG 'Residential Design Guide'.

Furthermore the development had been amended to provide for a safe access and internal arrangement and as such was not considered to have a harmful impact on highway safety.

The application was therefore considered to accord with the NPPF and the aforementioned policies.

Further information regarding the application was circulated at the meeting in the officers addendum.

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 Edgington that the application be granted in line with the Officer recommendation.

The Committee therefore:

**Resolved** that application W15/1325 be granted subject to the following conditions:

- (1) Details of the appearance of the buildings, landscaping of the site, and the scale of buildings (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **Reason** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended);

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

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings ref:15016.01 Rev B and specification contained therein, submitted on 16th October 2015 and dwg ref:Cross Section 15016.06 and specification contained therein, submitted on 7th October 2015. **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 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) application for approval of the reserved matters shall be made to the local planning 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);
- (5) the development hereby permitted (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 smoke, noise and the emission of dust and dirt during demolition and construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **Reason** In the interests of highway safety, the free flow of traffic and the amenities of the



## PLANNING COMMITTEE MINUTES (Continued)

occupiers of nearby properties in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall be carried out in strict accordance with 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;

- (7) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (8) 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

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (9) the reserved matters to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, and the development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **Reason** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;
- (10) any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first occupation of the dwellings hereby approved 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;
- (11) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order
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## PLANNING COMMITTEE MINUTES (Continued)

revoking and re-enacting that Order with or without modification), no building or enclosure shall be provided within the curtilage of, and no extension or addition erected or constructed to, any dwelling(s) hereby permitted without the prior written approval of the local planning authority. **Reason** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (12) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise destructive works to the features identified in the report entitled 'Internal/External Bat Survey, 7 Upper Rosemary Hill, Kenilworth, CV8 2PA', produced by Dr Stefan Bodnar. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason** To 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;
- (13) the dwellings hereby approved 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 adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the
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## **PLANNING COMMITTEE MINUTES (Continued)**

Warwick District Local Plan 1996-2011;

- (14) the dwellings hereby permitted shall not be occupied unless and until the means of access to the site has been provided in full accordance with details as shown on drawing no. 15016.01 Rev B and thereafter the means of access shall be kept available for use by vehicular traffic at all times unless otherwise agreed in writing by the local planning authority. **Reason** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (15) none of the dwellings hereby permitted shall be occupied unless and until the car parking provision for that dwellings has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling(s) and thereafter those spaces shall be retained for parking purposes. **Reason** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011; and
- (16) the dwelling to Plot7b hereby permitted shall be restricted to a dormer bungalow only with a ridge height of no greater than 91.5 AOD in accordance with the details shown on the Sections drawing 15016/06 submitted on 7th October 2015. **Reason** : To secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

### **113. W15/1443 - Greenacre, Rising Lane, Baddesley Clinton, Solihull**

The Committee considered an application from Kingswood Homes (West Midlands) Ltd for the erection of 2no. detached dwellings

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

The Officer was of the opinion that in the opinion of the Local Planning Authority, the development was acceptable in principle and respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents or highway safety. The proposal was therefore considered to comply with the policies listed.

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

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Falp and seconded by Councillor Ashford that the application be granted in line with the Officers recommendation.

The Committee therefore

**Resolved** that application W15/1443 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) 250, 251, 150 and specification contained therein, submitted on 03/09/15 except as required by conditions 3-6 below. **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 shall be carried out only in full accordance with sample details of the facing and roofing 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 Policy DP1 of the Warwick District Local Plan 1996-2011;
  - (4) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been implemented in accordance with the approved details. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation
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## PLANNING COMMITTEE MINUTES (Continued)

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** To protect trees and other features during site construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall be carried out in strict accordance with details of surface water drainage works that shall have been submitted to and approved in writing by the local planning authority. Details shall include sustainable urban drainage methods to avoid localised flooding from the highway onto the lower application site. **Reason** To ensure that a satisfactory means of drainage is provided such as to minimise flooding in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (7) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade 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

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (8) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres 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** To ensure that a satisfactory visibility splays in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (9) the development hereby permitted (including site clearance) shall not commence unless and until two weeks' notice in writing of the start of works has been given to a licensed great crested newt ecologist appointed by the applicant to supervise all ground work elements of the development within the site. The Ecologist's report shall be submitted to the Local Planning Authority within one month of its completion. **Reason** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and NPPF;
- (10) the development hereby permitted shall either:
- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
  - b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds 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 to September inclusive) or until after the young

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

have fledged, as advised by ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **Reason** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and NPPF;

- (11) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor window(s) to be formed in the side facing north elevation of Plot 1 and the south elevation of Plot 2 hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and
- (12) 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)**

### **114. W15/1476 - 121 Tachbrook Street, Leamington Spa**

The Committee considered an application from Orbit for the installation of external insulation and cream render to the rear elevation.

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

The Officer was of the opinion that the proposed external insulation and render on the rear elevation was not considered to have a detrimental impact on the street scene. On the basis of that taken together with the benefits in relation to energy efficiency and the national planning guidance which supported the proposal it was concluded that planning permission should be granted.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application be granted in line with the Officers recommendations.

The Committee therefore

**Resolved** that application W15/1476 be granted subject to the following conditions:

- (1) The development hereby permitted shall begin not later than three years from the date of this permission. **Reason** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings WS1Solid-14-Uninsulated Reveal, WolverhamptonHS-13-BB90.pdf, WS1-Solid-14-10-FasteningSolution.pdf, WS1-Solid-14-01-Basebead.pdf, WS1-Solid-14-07-Corner Detail.pdf, and specification contained therein, submitted on 15th September 2015. **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.

### **115. W15/1481 –5 Franklin Road, Whitnash**

The Committee considered an application from Mr Kang for the erection of single storey front extension and addition of pitched roof over flat roofed areas to side and rear.

The application is being presented to Committee due to an objection from the Town Council having been received.

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

The Officer was of the opinion that the development respects the surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with policies listed.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Edgington that the application be granted in line with the Officers recommendation.

The Committee therefore

**Resolved** that application W15/1481 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) 1847 1A and 1847 2A, and specification contained therein, submitted on 1.10.15. **Reason** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) 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.

### **116. W15/1597 – Export House, Coventry Airport, Rowley Road, Baginton**

The Committee considered an application from Bellagio Stone Limited to change the of use from storage and distribution (Use Class B8) to general industrial (Use Class B2).

This application is being presented to Committee due to an objection from the Parish Council having been received.

The Officer was of the opinion that the proposals would have no greater impact on the openness of the Green Belt than the existing use. Furthermore, the proposals are unlikely to have an unacceptable impact on

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

neighbouring commercial and institutional uses in relation to noise and dust. Therefore it is recommended that planning permission is granted.

Further information regarding the application was circulated at the meeting in the officers addendum.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Bunker and seconded by Councillor Ashford that the application be granted subject to the condition and the additional condition.

The Committee therefore

**Resolved** that application W15/1597 be granted subject to the:

- (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) a noise assessment to be undertaken prior to the commencement of the use of the premises and any mitigation measures to be implemented and retained to protect surrounding uses and premises.

### **117. W15/1091 – St Nicholas Park, Banbury Road, Warwick**

The application was withdrawn from the agenda.

(The meeting ended at 10:25pm)