

# Planning Committee

Minutes of the meeting held on Tuesday 10 October 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

**Also Present:** Senior Committee Services Officer – Mrs Barnes; Legal Advisor – Mrs Gutteridge; Development Services Manager – Mr Fisher, Senior Planning Officers - Mr Charles and Mrs Lalli.

## 87. Apologies and Substitutes

(a) There were no apologies.

(b) Councillor Mrs Falp substituted for Councillor Heath.

## 88. Declarations of Interest

Minute Number 91 – W/17/1402 – 94 Stirling Avenue, Cubbington

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

Minute Number 93 – W/17/0699 – Land to the south of Gallows Hill, Warwick

Councillor Edgington declared an interest because he had been a member of Warwick Town Council Planning Committee when the item was discussed but he had not passed comment and did not feel he was predetermined.

Minute Number 97 – W/16/1287 – Station Approach, Royal Leamington Spa

Councillor Weed declared an interest because she lived in a neighbouring property to the site but she was not affected by the application.

Minute Number 99 – W/17/1525 – Chesford Bridge House, Bericote Road, Blackdown

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

Minute Number 100 – Urgent Item - W/14/0967 – Land North of Gallows Hill, Warwick

Councillor Mrs Falp declared a personal and prejudicial interest and left the room whilst the item was discussed.

During the deliberation of the application, it was agreed that all Members should declare an interest because Warwick District Council was one of the interested parties in the development.

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

### **89. Site Visits**

There were no site visits undertaken prior to the meeting.

### **90. Minutes**

The minutes of the meeting held on 12 September 2017 were taken as read and signed by the Chairman as a correct record.

### **91. W/17/1402 – 94 Stirling Avenue, Cubbington**

The Committee considered an application from Mr Penrice for the erection of a single storey rear extension, single storey front extension, replacing the roof over the existing side extension with two roof lanterns and render to the entire property.

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

The officer was of the opinion that the proposal was of an acceptable design and scale and whilst the officer acknowledged the concern of the neighbouring residents, he was satisfied that it would not result in sufficient negative impact upon the amenity of the neighbouring properties to warrant the refusal of the application.

The following person addressed the Committee:

- Councillor Delow, Cubbington Parish Council, objecting.

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

The Committee therefore

**Resolved** that W/17/1402 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3595-02J, and specification contained therein, submitted on 26/09/2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

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

### **92. W/17/0218 – 4a Wise Terrace, Royal Leamington Spa**

The Committee considered a retrospective application from GSP Construction Limited for the erection of a four and half storey building to accommodate four flats in multiple occupation.

The application was presented to Committee because it was recommended for refusal by officers and a number of supporting letters had been received.

The officer was of the opinion that the principle of development was considered unacceptable in accordance with Policy H6 of the Local Plan and, with an outstanding objection from the Highways Authority that had not been resolved, there were fundamental concerns regarding the level of car parking provision for the development. Officers were therefore not satisfied that the development would not be detrimental to highway safety nor was there any evidence to demonstrate that this scale of development would not exacerbate existing on-street parking problems in the local area. The development was therefore considered to be contrary to the provisions of Policies H6, TR1 and TR4 of the Local Plan.

Notwithstanding these objections to the development, the visual appearance was considered to be acceptable and the development would not give rise to any harm to the setting of the adjacent Royal Leamington Spa Conservation Area. Similarly, the development was considered to be acceptable with regard to the general impacts on neighbouring amenity. Whilst officers recognised that the potential use of the building as Houses in Multiple Occupation on this scale might bring with it some economic benefits to the town centre of Royal Leamington Spa and whilst also recognising the site's position and close walking distance to public transport links, shops and other services, these did not amount to significant benefits such that they would over-ride the in-principle objection and furthermore the objection from the Highways Authority. For these reasons it was recommended that planning permission be refused.

An addendum circulated at the meeting advised that additional representations had been received from the agent in respect of parking, residential amenity and the 2008/2011 permissions. Also, additional representations had been received from the applicant detailing the building, daily operations, parking and noise. The document also advised that a noise complaint had been received in relation to the property.

The following people addressed the Committee:

- Mr Stephens, supporting; and
- Councillor Naimo, Ward Councillor, objecting.

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

The Committee therefore

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

**Resolved** that W/17/0218 be **refused** in accordance with the recommendations in the report, for the following reasons:

The application site is located within an area where there is a high demand for on street parking and where the concentration of existing houses in multiple occupation (HMOs) is contrary to policy H6 of the emerging Warwick District Local Plan 2011 - 2029 and consequently where there is an increased likelihood of that existing concentration of HMOs having a detrimental impact on residential amenities within the immediately surrounding area.

1. The proposed development by reason of the intensity of the use which is characterised by the number of proposed bedrooms would further intensify HMO capacity within that area thereby increasing the risk of further reducing those amenities for residential occupiers in the locality to an unacceptable level.
2. The proposed development does not make sufficient or appropriate provision for the parking of vehicles within the application site which would therefore exacerbate existing demand for on street parking within the locality and result in the increased potential for unsafe vehicle movements to the detriment of both highway safety and the amenities of residential occupiers in the locality. Insufficient information has been provided by the applicant to demonstrate that this would not be the case.

The development is therefore contrary to the National Planning Policy Framework and to the following Development Plan policies:-

### **The Warwick District Local Plan 2011 - 2029**

- Policy H6: Houses in Multiple Occupation and Student Accommodation
- Policy BE3: Amenity
- Policy TR1: Access and Choice
- Policy TR4: Parking.

### **93. W/17/0699 – Land to the South of Gallows Hill, Warwick**

The Committee considered an application from William Davis Limited and Hallam Land Management Limited for the development of up to 260

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

dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways and associated infrastructure. All matters to be reserved except access into the site.

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

The officer was of the opinion that the Local Plan was adopted on the 20 September which identified the site as part of the strategic allocation for new housing development. The development was considered to comply with other current Local Plan policies and with the policies of the NPPF as a whole.

It had been concluded that the matters raised could be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions.

It was therefore concluded that the development should be granted subject to the signing of a Section 106 Agreement.

An addendum circulated at the meeting provided an updated recommendation which included reference to the Highways Authority, along with further comment from the Highways Authority and a further submission from the applicant regarding conditions. In addition, further information was provided on the Section 106 contributions being proposed along with information relating to further public involvement.

The following people addressed the Committee:

- Councillor Murphy, Warwick Town Council, objecting;
- Mrs Hall, objecting ; and
- Mr Stephens, supporting.

Members raised concerns that, when combined with the adjacent site, this proposal would increase the housing numbers to 710 dwellings on allocated site H46A, and the Local Plan had stated a figure of 630 dwellings, resulting in an increase of 80 dwellings above the allocated figure. In addition, the linkage between the two sites, landscaping styles and transport arrangements were discussed.

Officers reminded Members that whilst housing numbers had been suggested, the key phraseology was 'up to' and final numbers would be put forward in any reserved matters application. In addition, the Highways Authority was satisfied with the proposal overall and was continuing to work on the minor details of the traffic arrangements.

Concerns were raised about the air pollution levels in the area and the proximity of the site in relation to Castle Park.

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

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

The Committee therefore

**Resolved** that W/17/0699 be **refused** contrary to the recommendations in the report, for the following reasons:

The application would permit up to 710 dwellings instead of the 630 dwellings identified within the Local Plan allocation and it is considered that the application should be refused due to the resulting harm to the adjacent Castle Park and the setting of the adjacent Conservation Area contrary to the NPPF and local plan policies HE1 and HE2.

In that respect the proposal would also be contrary to Paragraphs 93 & 94 of the NPPF and Local Plan policy NE5 relating to the reduction of emissions and greenhouse gasses. There has been no public benefit demonstrated that outweighs the detrimental impact caused by the additional dwellings.

### **94. W/17/1104 – Plot 8001-8004 Tournament Fields, Warwick**

The Committee considered an application from Sackville Development (Warwick) Ltd for the approval of reserved matters under outline planning permission number W/13/0758, for the erection of four buildings to provide employment development for Use Classes B1, B2 and B8 purposes.

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

The officer was of the opinion that the proposals would have an acceptable impact on the living conditions of nearby dwellings and on the character and appearance of the area. The proposals were also considered to be acceptable in terms of car parking and highway safety. Therefore, it was recommended that this reserved matters application be approved.

An addendum circulated at the meeting advised that Condition 8, relating to a Low Emission Strategy, had been deleted.

The following person addressed the Committee:

- Councillor Murphy, Warwick Town Council, objecting.

Members raised concerns about the design of the building and felt that this needed further work considering that this was hoped to be a key employment site in the District. It was suggested that the decision to grant permission could be delegated to officers, in consultation with the Chairman of Planning Committee, to work with the applicant on the design and avoid delaying consideration of the application for another month.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Boad that the application should be delegated to officers.

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

The Committee therefore

**Resolved** that the decision on application W/17/1104 be **delegated** to officers in consultation with the Chairman of Planning Committee to agree minor changes to the design of the building to improve the impact on the character and appearance of the area.

The meeting was adjourned at 7.57pm for 15 minutes.

### **95. TPO 530 – 4 and 5a Carter Drive, Barford**

The Committee considered the confirmation of a provisional Tree Preservation Order relating to a group of five Silver Birch trees at 4 and 5a Carter Drive, Barford.

The application was presented to Committee because objections had been received to it being confirmed.

A notification was received to fell three Silver Birch Trees to the front of 4 Carter Drive on the 14 June 2017. The reason given by the tree surgeon, for felling was that a planning application had been approved which showed that the trees would be removed. This was not, in fact the case, as the retention of the trees had been secured as part of the consideration of the planning application and was reflected in the approved plans. During the assessment of the trees in question, a further two silver birches were identified which were considered to merit protection through the making of a TPO.

The group of five Silver Birches the subject of this Order were considered to form a cohesive group that added to the character of the area, therefore, the loss of any of them without sufficient justification was not considered to be appropriate.

The officer was of the opinion that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the trees made to their surrounding area and therefore it was expedient to confirm this TPO.

Mr Hunt had originally registered to speak in objection to the Tree preservation Order but did not attend the meeting.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Falp and seconded by Councillor Day that officers should be authorised to confirm the order.

The Committee therefore

**Resolved** that officers be **authorised** to confirm Tree Preservation Order 530 without modification.

## PLANNING COMMITTEE MINUTES (Continued)

### 96. **TPO 534 – North Side of Rouncil Lane, Kenilworth**

The Committee considered the confirmation of a provisional Tree Preservation Order relating to a group of Oak, Ash and Sycamore trees located on the north side of Rouncil Lane, Kenilworth.

The application was presented to Committee because objections had been received to it being confirmed.

The officer was of the opinion that it was not considered that the issues raised in objection to the TPO were sufficient to outweigh the significant amenity contribution which the trees made to their surrounding area and therefore it was considered to be expedient to confirm this TPO.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Boad that officers should be authorised to confirm the order.

The Committee therefore

**Resolved** that officers be **authorised** to confirm Tree Preservation Order 534 without modification.

### 97. **W/16/1287 – Station Approach, Royal Leamington Spa**

The Committee considered an application from Waterloo Housing Group for a minor material amendment to planning permission W/15/0905 to allow for minor changes to the landscaping and site layout. Planning permission W/15/0905 was for a residential development.

The application was presented to Committee because it was recommended that planning permission be granted, subject to the completion of a legal agreement.

The officer was of the opinion that the proposed amendments would have an acceptable impact on the character and appearance of the area and on the living conditions of neighbouring dwellings. Furthermore, the proposals would have an acceptable ecological impact. Therefore, it was recommended that planning permission be granted for this minor amendment.

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

The Committee therefore

**Resolved** that W/16/1287 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than 04/02/2019. **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) MP01, 02, 03, 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, AAJ5036\_LS-01\_E, AAJ5036\_LS-02\_E, AAJ5036\_LS-03\_E, AAH5314/01-1A & AAH5314/01-2A, and specification contained therein, submitted on 8 June 2015, 13 July 2016 & 18 August 2016.  
**Reason:Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;
- (3) the development shall not be first occupied until all the works within the renewable energy / energy efficiency scheme that was approved under condition 3 of planning permission no. W15/0905 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 CC3 of the Warwick District Local Plan 2011-2029;
- (4) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that were approved under condition 4 of planning permission no. W15/0905. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with

**PLANNING COMMITTEE MINUTES (Continued)**

Policy FW2 of the Warwick District Local Plan 2011-2029.

- (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:

1. 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.
2. 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.
3. 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 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 NE5 & FW2 of the Warwick District Local Plan 2011-2029;

- (6) none of the dwellings hereby permitted shall be occupied until a trespass proof fence

## PLANNING COMMITTEE MINUTES (Continued)

adjacent to the boundary with the railway has been installed in strict accordance with the details approved under condition 6 of planning permission no. W15/0905. **Reason:** To protect the adjacent railway from unauthorised access and improve community safety in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;

- (7) the development shall be carried out in strict accordance with the details of ground levels, earthworks and excavations to be carried out near to the railway boundary that were approved under Condition 7 of planning permission no. W15/0905. **Reason:** To protect the adjacent railway from any undue disruption to the operation of train services;
- (8) the open space scheme that was approved under Condition 8 of planning permission no. W15/0905 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 HS4 of the Warwick District Local Plan 2011-2029;
- (9) no lighting shall be installed or operated other than in strict accordance with the lighting details that were approved under Condition 9 of planning permission no. W15/0905. **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 BE3, NE4 and NE5 of the Warwick District Local Plan 2011-2029;
- (10) the Construction and Environmental Management Plan that was approved under Condition 10 of planning permission no. W15/0905 shall 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 NE2 of the Warwick District Local Plan 2011-2029;
- (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

## PLANNING COMMITTEE MINUTES (Continued)

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 BE3, TR1, TR4 & NE5 of the Warwick District Local Plan 2011-2029;

(12) the development shall be carried out only in full accordance with the sample details of the facing and roofing materials that were approved under Condition 12 of planning permission no. W15/0905. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

(13) the Low Emission Strategy that was approved under Condition 13 of planning permission no. W15/0905 shall be implemented in strict accordance with the approved details.

**Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

(14) the scheme detailing low energy mechanical ventilation that was approved under Condition 14 of planning permission no. W15/0905 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 BE3 & NE5 of the Warwick District Local Plan 2011-2029;

(15) the bat mitigation measures that were

## PLANNING COMMITTEE MINUTES (Continued)

approved under Condition 15 of planning permission no. W15/0905 shall be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029 and the aims and objectives of the NPPF;

- (16) the development shall be carried out in strict accordance with the surface water drainage scheme that was approved under Condition 16 of planning permission no. W15/0905.

**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 Policy FW2 of the Warwick District Local Plan 2011-2029 and the NPPF;

- (17) the development shall not be occupied until the scheme for the provision of adequate water supplies and fire hydrants that was approved under Condition 17 of planning permission no. W15/0905 has been implemented to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of fire safety;

- (18) 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 NE2 & NE5 of the Warwick District Local Plan 2011-2029;

- (19) 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 NE2 & NE5 of the Warwick District Local Plan 2011-2029;
- (20) 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 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

## PLANNING COMMITTEE MINUTES (Continued)

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 NE2 & NE5 of the Warwick District Local Plan 2011-2029;

- (21) 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.18), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (No.19), 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.20). **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 NE2 & NE5 of the Warwick District Local Plan 2011-2029;
- (22) 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 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 BE3 & NE5 of the Warwick District Local Plan 2011-

**PLANNING COMMITTEE MINUTES (Continued)**

2029;

- (23) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until the scheme for the protection of all existing trees and hedges to be retained on site that was approved under Condition 23 of planning permission no. W15/0905 has been put in place. 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 NE4 of the Warwick District Local Plan 2011-2029;
- (24) 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 variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
- (25) 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



## PLANNING COMMITTEE MINUTES (Continued)

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 NE5 and FW2 of the Warwick District Local Plan 2011-2029;

- (26) 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 NE5 of the Warwick District Local Plan 2011-2029 and the NPPF; and

- (27) 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 accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

### 98. **W/17/1517 – The Grove, Rising Lane, Lapworth**

The Committee considered an application from Mr Rogers and Ms Deacon for the demolition of the existing dwelling and erection of a replacement dwelling and associated works.

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

The officer was of the opinion that the principle of development was acceptable having regard to Policies DS19 and H13 of the Local Plan and the scheme was considered to be appropriate development within the

## PLANNING COMMITTEE MINUTES (Continued)

Green Belt. The proposed replacement dwelling was considered acceptable in terms of the impact on the openness of the Green Belt, the impact on the character and amenity of the local area, the impact on the amenity of neighbouring properties and the impact on highway safety. Conditions were proposed to mitigate against any harm to protected species.

Following consideration of the report and presentation it was proposed by Councillor Edgington and seconded by Councillor Morris that the application should be granted.

The Committee therefore

**Resolved** that W/17/1517 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1710-PL 01A, 1710-PL 02A, 1710-PL 03 and 1710-PL 04A, and specification contained therein, submitted on 14 August 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the development shall be carried out only in strict 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 BE1 of the Warwick District Local Plan 2011-2029;
- (4) the development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for bats, reptiles, amphibians and nesting birds (to include timing of works, supervision of particular works to the buildings and grounds and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in

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

full. **Reason:** To ensure that protected species are not harmed by the development; and

- (5) 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 existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction.

### **99. W/17/1525 – Chesford Bridge House, Bericote Road, Blackdown**

The Committee considered an application from Mr Tara for the removal of condition No 4 (Removal of permitted development rights) of planning reference W/13/0376 (Erection of a single storey side extension and erection of a detached outbuilding) granted 30 May 2013.

The application was presented to Committee because an objection had been received from Old Milverton and Blackdown Joint Parish Council.

The officer was of the opinion that, as the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended placed no restrictions on permitted development rights in the Green Belt, as it did with other designated areas such as National Parks, the removal of condition 4, in this instance was considered to be acceptable.

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

The Committee therefore

**Resolved** that W/17/1525 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

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

## PLANNING COMMITTEE MINUTES (Continued)

details shown on the site location plan 1324/P102 and site plan 1324/P101 submitted on 30th May 2013 and approved drawings No.1382/05; 1382/06; 1382/07; 1382/08b; 1382/09A & 1382/11A and specification contained therein, submitted on 20TH March 2013. **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) no facing and roofing materials shall be used other than materials similar in appearance to those used in the construction of the exterior of the existing building. **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; and
- (3) the single storey side extension, shown as an independent annexe on drawing No.1382/08b & 1382/09A hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Chesford Bridge House and shall only be occupied by members of the family occupying Chesford Bridge House and shall not be used as a separate dwelling. **Reason:** The site is located within the Green Belt and the local planning authority considered it appropriate to retain control of development in the interests of the openness within the Green Belt in accordance with Policy RAP2 of the Warwick District Local Plan 1996 - 2011.

(Councillor Mrs Falp left the room for the following item.)

### **100. Urgent Item – W/14/0967 - Land North of Gallows Hill, Warwick**

The Committee considered an application for the variation of a Section 106 Agreement attached to permission W/14/0967, relating to the transfer of land north of Gallows Hill, Warwick.

It had been agreed with the Chairman that this item be considered as 'urgent' at the meeting to assist officers in keeping the project on track, particularly as the contract for the sale of land was in preparation.

Outline application W/14/0967 was for the development of up to 425 residential dwellings (Use Class C3), medical centre, community hall, formal and informal green spaces, sports and recreation provision,

## PLANNING COMMITTEE MINUTES (Continued)

structural landscaping, new roads, footpaths and cycle ways, site access and ancillary works.

This permission was subsequently varied to amend the location of the site access from Gallows Hill (W/17/0988).

Both permissions were subject to a Section 106 Agreement, which imposed a range of obligations on the developer.

The officer was of the opinion that the proposed changes to the Section 106 Agreement were considered to be in accordance with the Council's policies and to serve the planning purposes of the Agreement equally well as the original version. It was therefore recommended that the Section 106 Agreement be amended as requested.

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

The Committee therefore

**Resolved** that the variation of the Section 106 Agreement relating to W/14/0967 be **authorised** in order to:

- (subject to the agreement of the County Council) reflect the potential for the proposed changes in the size and location of the land to be safeguarded for a Community Stadium, and the new location of the Education Land;
- provide that the stadium land will be "safeguarded" for a period of three years from the date of the varied Section 106 Agreement, during which time the District Council may purchase the land provided that it has obtained planning permission for the development of a community stadium;
- reflect the fact that, if the stadium land is transferred to the District Council, the overall site will have been split, in which case the planning obligations will be attributed proportionately between the parties in a manner which avoids development on either part being frustrated by a failure to deliver infrastructure on the other part;
- (subject to the agreement of the County Council) if the land is not used for a community stadium or for housing then it may be used for another purpose with the consent of the neighbouring landowner (such consent not to be unreasonably withheld) subject to any required planning permission;

## PLANNING COMMITTEE MINUTES (Continued)

- give the District Council a right to enter the County Council's land to install services to the stadium land and to construct all or part of the spine road should it wish to commence development of the stadium before the County Council's land is developed, and to provide for reimbursement of the District Council's reasonable costs in this respect;
- correct any minor typographical or drafting errors in the original Agreement; and
- provide for any consequential amendments required as a result of the changes set out above.

(Councillor Mrs Falp returned to the meeting.)

### 101. **Planning Appeals Report**

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

**Resolved** that the report be noted.

(The meeting ended at 8.50 pm)

Signature redacted  
These minutes were signed  
on 7 November 2017

CHAIRMAN  
7 November 2017