

Planning Committee

Minutes of the meeting held on Tuesday 26 February 2019 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Committee Services Officer – Mrs Tuckwell, Legal Advisor – Mrs Sharma; Manager – Development Services – Mr Fisher; Head of Development Services – Mr Barber; and Mr Pilcher and Mr Malin, Highways Officers - Warwickshire County Council.

170. Apologies and Substitutes

Councillor Evetts substituted for Councillor Mrs Stevens. Councillor G Cain substituted for Councillor Ashford.

171. Declarations of Interest

Minute Number 174 – W/18/2111 – Warwick Police Station, Priory Road, Warwick

Councillor Cain declared an interest because he was a member of Warwick District Conservation Advisory Forum for RICS. However, he did not feel he was pre-determined and would listen to the presentation with an open mind.

Councillor Morris declared an interest because the application site was in his Ward and he also lived close to the application site. However, he did not feel that he was prejudiced and would listen to the presentation with an open mind.

Minute Number 176 –W/18/0110 – 30 Victoria Street, Warwick

Councillor Morris declared an interest because he was speaking on behalf of the applicant. He removed himself from the Committee during the discussion of this item.

172. Site Visits

To assist with decision making, Councillors Boad, Mrs Bunker, Cain, Cooke, Day, Mrs Evetts, Heath and Morris had visited the following application sites on Saturday 23 February 2019:

W/19/0110 – 30 Victoria Street, Warwick;
W/18/2111 – Warwick Police Station, Priory Road, Warwick; and
W/18/2199 – 135 Warwick Road, Kenilworth.

173. Minutes

The minutes of the meetings held on 29 January 2019 and 30 January 2019 were taken as read and signed by the Chairman as a correct record,

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subject to the following amendment to the minutes of the meeting held on 29 January 2019, to include the following:

Minutes

The minutes of the meetings held on 11 December 2018 and 12 December 2018 were taken as read and signed by the Chairman as a correct record.

174. W/18/2111 – Warwick Police Station, Priory Road, Warwick

The Committee considered an application from West Hart Partnership for the demolition of a vacant police station building and erection of a medical centre with associated car parking, landscaping and associated works.

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

In the officer's opinion, the proposed development was considered to provide a high quality medical surgery which would meet local needs. The officer considered that the development had been sensitively designed. However, it was recognised that the overall scale and massing would cause some harm to the setting of a nearby listed building and the Conservation Area. The harm generated was considered to be less than substantial and the public benefits identified were considered to outweigh this harm. The proposed medical centre would be located in a sustainable location, with access to public transport links. The proposal was considered to be in accordance with the relevant local and national planning policies and therefore Councillors were recommended to grant planning permission.

An addendum circulated at the meeting advised of an updated recommendation, to include revised wording and making reference to a financial contribution of £3,000 in relation to enhanced pedestrian facilities in addition to the wider scheme proposed by Warwickshire County Council which would be under construction shortly. In addition, it provided further details regarding parking arrangements. It was confirmed that parking within the site would be controlled by a token system. In addition, the proposed parking area within the site had been amended so that parking would be available for staff and visitors, rather than having restricted areas for staff parking, as suggested by Councillor Day during the site visit.

The addendum also provided clarification that cycle parking and storage would be available and the site could accommodate up to 24 bicycles. There were several bus stops within walking distance of the site and electric charging points for vehicles parking within the site were to be secured by Condition 11 in the report.

It was confirmed in the addendum that the height of the existing building was 8.5 meters and of the proposed building was 11 meters, making the total increase in height to the building of 2.5 meters.

The agent had confirmed that only two trees would be removed as part of the proposals, and an updated tree mitigation plan was therefore required and was proposed to be conditioned. Furthermore, it was confirmed in the addendum that Warwickshire County Council Ecology expressed no

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objection to the application, subject to the inclusion of conditions requiring the provision of a Construction Management Plan and Combined Ecological and Landscaping Plan. Warwick Town Council did not object to the amended plans.

Information regarding an updated Soft Landscaping Plan submitted by the applicant was provided in the addendum, to which there was no objection from Warwickshire County Council Landscape.

The addendum also informed of additional public responses being received from Warwickshire Gardens Trust objecting due to the proposed development having a detrimental impact on Priory Park; Friends of Priory Park, objecting on the basis that the proposed building did not take into account the presence of Priory Park; and Warwick Chamber of Trade, expressing its concern regarding the impact of the proposed pharmacy on existing town centre pharmacies.

In the addendum, the officer made Members aware that the applicant received pre-application advice regarding the proposed scheme, the Conservation Officer had been involved in discussions from the beginning of the process and the applicant had made every attempt to amend the drawings in accordance with officers' recommendations. Officers therefore considered that the scheme represented a well thought-out, high quality design.

The following people addressed the Committee:

Dr Hodgetts, Warwick District Conservation Advisory Forum, objecting;
Ms Butcher, objecting;
Mrs Griffiths, objecting;
Mr Birkbeck, objecting; and
Dr Bhandal, supporting.

During the debate, Members asked a number of questions to do with the provision of electrical charging points, car parking facilities in the nearby area, the retail element of the pharmacy, the elevation difference between the front and back of the current building.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Day and seconded by Councillor Weed that the application should be granted, subject to the conditions in the report and addendum and a Section 106 Agreement or Unilateral Undertaking to secure a necessary financial contribution of £3,000 in relation to enhanced pedestrian facilities. Members also imposed an additional condition requiring the submission of proposed floor level details prior to commencement of any work, and an amendment to Condition 11 to make specific reference to the provision of electric charging points.

Members requested the addition of two notes to the applicant requesting that i. they consider the extent to which the proposed building may be set down into the site (and thereby reflected in the finished floor level details) and ii. encouraging the dual use of any car spaces allocated for electric charging points over the first five years of the use of the development.

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The Committee therefore

Resolved that W/18/2111 be **granted** in accordance with the recommendation in the report and addendum, subject to a Section 106 Agreement or Unilateral Undertaking to secure a necessary financial contribution of £3,000 in relation to enhanced pedestrian facilities in addition to the wider scheme proposed by Warwickshire County Council which will be under construction shortly.

Should a satisfactory legal agreement not have been completed by 26 March 2019, authority is delegated to the Head of Development Services to refuse the planning permission on the grounds that the proposal provides inadequate pedestrian safety improvements.

Conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1411-110 Rev G, 1411-202 Rev B, 1411-211 Rev B, 1411-300 Rev D submitted on 7th January 2019, and drawing LA-17-045-001 Rev G submitted on 22nd February 2019, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) 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 Public Safety from fire, and the protection of Emergency Fire Fighters, in accordance with Local Plan policy BE3;

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- (4) no development and subsequent use of the 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 Lead Local Flooding Authority (LLFA). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. **Reason:** To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with policies FW1, FW2 and NE2 of the Warwick District Local Plan 2011 – 2029;
- (5) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: 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, air quality, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and 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:** 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 and NE5 of the Warwick District Local Plan 2011-2029;
- (6) no development shall take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority;
 - b) the programme of archaeological evaluative

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work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority; and

- c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the District's historical development, are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has 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 for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the

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opinion of the Local Planning Authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (8) no development shall be carried out above slab level unless and until large scale details of windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029;
- (9) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (10) no occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA, giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. **Reason:** To ensure the future maintenance of the sustainable drainage structures in accordance with policy FW2 of the Warwick District Local Plan 2011 - 2029;

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- (11) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's Air Quality & Planning SPD, to include the provision of electric vehicle charging points, has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (12) the development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) and the details contained within the approved documents, Design and Access Statement_New Medical Centre, Northgate, Warwick_ West Hart Partnership_October 2018, Flood Risk Assessment_New Medical Centre, Cape Road_7191-FRA Rev A_October 2018, Drainage Layout_New Medical Centre, Warwick_7191-100-Rev P1 and SW Network- Madd Factor Update_Micro-drainage_submitted 23/11/2018. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme. **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 FW1, FW2 and NE2 of the Warwick District Local Plan 2011 - 2029;
- (13) the development hereby permitted shall not be occupied unless and until the vehicle 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 BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029;
- (14) gates or barriers erected at the entrances to the site for vehicles shall not be hung so as to open to within five metres of the near edge of the

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public highway carriageway. **Reason:** In the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;

- (15) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;
- (16) noise arising from the any plant or equipment, 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 (five 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 Policy BE3 of the Warwick District Local Plan 2011-2029;
- (17) no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 07:30 hours or after 20:00 hours on Monday to Saturday or before 09:00 hours or after 18:00 hours on Sundays. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (18) no development shall be commenced until details of 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 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:**

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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 BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (19) condition requiring an updated tree mitigation plan to be submitted to and approved in writing by the Local Planning Authority; and
- (20) additional conditions requiring the provision of a Construction Management Plan and Combined Ecological and Landscaping Plan to be provided to the Local Planning Authority.

Notes:

- (a) the Council's Planning Committee at their meeting of 26 February 2019 have requested that prior to the commencement of the development, the developer engage with officers of the Council in considering the positioning of the finished floor levels of the building to ensure that it is constructed at the lowest level possible within the site; and
- (b) the Council's Planning Committee at their meeting of 26 February 2019 have requested that where electric charging points are provided within the site, the associated car parking spaces are provided for dual use rather than solely for electric vehicles for the first five years of the use of the development.

175. W/18/2199 – 135 Warwick Road, Kenilworth

The Committee considered an application from Tregarren Limited for the variation of Conditions 1 and 3 of planning permission W/18/1048, to allow amendments to be made to the vehicle and pedestrian access arrangements, together with the addition of 2.1m high close board fencing along the southern side of the access drive.

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

The original planning permission was granted under an outline application reference W/11/1618 and the reserved matters pursuant to this outline were subsequently approved under application reference W/15/0620, with two variations approved under W/17/1094 and W/18/1048. The policies and material considerations that were relevant to the reserved matters decision were set out in the associated officer reports.

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The variation of Conditions 1 and 3 to allow some revisions to the access arrangements for both vehicles and pedestrians would not result in any further detriment to highway and pedestrian safety such as to justify a refusal of permission. The rest of the development, as approved, remained unaffected by this proposal and the addition of the fence along the southern side of the access drive was considered to be acceptable both in visual and neighbour amenity terms.

The recommended condition by the Highways Authority that required the access to be laid out strictly in accordance with the latest agreed and approved drawing should be imposed with a timescale within which the applicant was expected to deliver the safe access.

There were no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous applications. It was therefore considered by the officers that the development remained in accordance with the relevant provisions of the Development Plan and permission should be approved accordingly.

An addendum circulated at the meeting advised of an additional condition requiring the submission of the details of the proposed revisions to 135 Warwick Road to ensure that its revised format was visually acceptable within the street scene. The addendum also informed Members of one additional letter of objection received from a local resident raising concerns about the width of the access and ability for two vehicles to pass one another, as well as how it would be used by emergency vehicles.

The following people addressed the Committee:

Councillor Illingworth, Kenilworth Town Councillor, objecting;
Dr Dean, objecting; and
Mr Atha, supporting.

In answer to questions from Members, the Highways Officer confirmed that there was no objection from Warwickshire County Council Highways. Several Members expressed their concerns that during the site visit at the application site, Members witnessed it being impossible for two vehicles to pass each other and a vehicle having to reverse into the main road. Councillor Mrs Bunker also raised concerns about refuse collection access. In addition, serious concerns were raised regarding the safety of pedestrians.

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

The Committee therefore

Resolved that W/18/2199 be **refused** contrary to the recommendation in the report because the proposals conflict with Local Plan Policies TR1 and

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BE2, as well as Policy KP8 of the Kenilworth Neighbourhood Plan.

At 8.18pm, the Chairman adjourned the meeting for a comfort break. The meeting was reconvened at 8.35pm.

176. W/19/0110 – 30 Victoria Street, Warwick

The Committee considered an application from Miss Fletcher for the erection of a single storey rear courtyard infill (resubmission of W/18/2179).

The application was presented to Committee at the request of Councillor Morris.

In the officer's opinion, the proposed extension was considered to be harmful to the character of the Conservation Area by way of design. Therefore, it was considered that the proposals were contrary to Local Plan Policy HE1.

An addendum circulated at the meeting advised Members of an additional response from Warwick Town Council, concurring with the comments made by the Council's Conservation Officer objecting to the proposal.

Councillor Morris, Ward Councillor, addressed the Committee speaking in support of the application.

Councillor Cain emphasised that the National Planning Policy Framework (NPPF) stated that good design should be endorsed and in Councillor Cain's opinion, the proposed development was very attractive, would enhance the property and not harm the character of the Conservation Area.

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

The Committee therefore

Resolved that W/19/0110 be **granted** contrary to the recommendation in the report, subject to conditions to be agreed by the Head of Development Services in liaison with the Chairman of the Planning Committee.

177. W/18/1952 – Land on the South East Side of Offchurch Lane, Radford Semele

The Committee considered an outline application from Bovis Homes Limited for the variation of condition 1 of planning permission W/17/0152 (Reserved matters application for the layout, landscaping, scale and appearance of 150 dwellings together with associated infrastructure and engineering pursuant to previously approved outline application ref: W/16/0196) to allow a substitution of house types on a total of 56 plots

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and to amend two plots (140 + 207) from single storey to two-storey. All other aspects of the development for 150 dwellings remained the same as that which was originally approved.

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

The original outline planning permission was granted under reference W/16/0196, with the reserved matters pursuant to the outline subsequently approved under reference W/17/0152. The policies and material considerations that were relevant to both decisions were set out in the associated officer reports.

The variation of Condition 1 to allow the substitution of house types across 56 of the 150 dwellings within the development together with the change to two individual plots from single storey to two-storey would not result in any detriment to the visual amenity of the site and its surroundings, nor would there be any harm resulting to residential amenity of existing or future occupiers. Furthermore, notwithstanding the adoption of the new Local Plan 2011-2029 since the original application was granted, there were no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the original application. It was therefore considered by the officer that the development remained in accordance with the relevant provisions of the Development Plan.

During the debate, it was clarified that the application would not affect the affordable housing mix. In addition, the application would still meet the housing need of two bungalows, as there would be three left on the site.

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

The Committee therefore

Resolved that W/18/1952 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 the following approved drawings, except as required by condition 2:

RAD2/02/210, RAD2/02/250, HTPD_P2B_AFF, HTPD_S110, HTPD_S241 LTH_1, HTPD_S351 LTH_1, HTPD_S351 LTH_3, HTPD_S461_1, HTPD_S461_3, HTPD_P2301 1 OF 2, HTPD_P2301 2 OF 2, HTPD_P2B, HTPD_P3407, HTPD_C3003CT 1 OF 2, HTPD_C3003CT 2 OF 2, HTPD_P3003v, HTPD_P3402 1 OF 2, HTPD_P3402 2 OF 2, HTPD_P4501 1 OF 2, HTPD_P4501 2 OF 2, HTPD_P506 1 OF 2,

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HTPD_P506 2 OF 2, HTPD_P507 1 OF 3, HTPD_P507 2 OF 3, HTPD_P507 3 OF 3, RAD2/02/120 rev B and specification contained therein, submitted on 20 April 2017;

PD_AGD2-1 rev A, PD_AGS2-2 rev A, PD_AGS2-1 rev A and RAD2/02/260 rev C and specification contained therein, submitted on 15 May 2017;

RAD2-05-001 rev B, RAD2-05-003 rev B, RAD2-05-005 rev A, RAD2-05-006 rev A and specification contained therein, submitted on 2 June 2017;

PD_AGT2-2 rev B and PD_AGT2-1 rev B and specification contained therein, submitted on 6 July 2017;

RAD2/02/100 Rev.H, RAD2/02/230 Rev.E, RAD2-02-280 Rev.C, HTPD_X204 01, HTPD_X204 02, HTPD_X307A 01, HTPD_X307A 02, HTPD_X307B, HTPD_PH_X3412 01, HTPD_PH_X3412 02, HTPD_X518, HTPD_X520 01, HTPD_X520 02, HTPD_X531 01 and HTPD_X531 02 and specification contained therein, submitted on 8 October 2018;

RAD2/02/240 Rev.E and specification contained therein, submitted on 19 November 2018;

HTPD_V523 01 A and HTPD_X523 02 A and specification contained therein, submitted on 2 January 2019; and

RAD2-02-300 Rev.J and specification contained therein, submitted on 7 February 2019.

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

- (2) notwithstanding the details submitted with the application, prior to the occupation of the development hereby permitted, a further landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The additional landscaping plan shall include details of the soft and hard landscaping proposed around the individual plots specifically affected by the change of house types. The development shall thereafter be
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carried out strictly in accordance with the approved details. **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;

- (3) the development hereby permitted shall be carried out in accordance with the revised Biodiversity Impact Assessment (BIA) calculation and the report detailing the findings, approved in writing by the Local Planning Authority on 17 May 2018 in pursuance of condition 2 of W/17/0152. **Reason:** To safeguard the presence and population of protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;
- (4) the landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of each phase of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **Reason:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;
- (5) the development shall not be occupied until the emergency access onto the C91 Offchurch Road has been constructed to include provision for pedestrian access including appropriate dropped crossings to both the north and south side of the carriageway together with the installation of traffic signs in accordance with the Traffic Signs Manual 4, diagram 562 with sub-plate 563 on the westerly approach to the emergency/pedestrian, together with all other ancillary works, in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

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- (6) no dwelling/building shall be occupied until the estate roads including footways, serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and
- (7) the construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

178. **W/18/2369 – Land opposite Brook House, Bakers Lane, Knowle**

The Committee considered an application from Mr Bashir for the erection of a stable building.

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

In the officer's opinion, the proposal was considered to be an appropriate form of development within the Green Belt. The scale of the building was considered to be appropriate for the land holding. The proposal raised no objection in design or amenity terms. The proposal was considered acceptable in relation to highway safety and impact on protected species.

For these above reasons, the proposal was recommended for approval, subject to conditions detailed in the report.

During the debate, it was clarified by the officer that there were two horses on the field. They had no shelter and during bad weather conditions, the horses needed to be transported elsewhere for shelter.

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

The Committee therefore

Resolved that W/18/2369 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
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- (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) 7653-B-201 and 7653-B-300, and specification contained therein, submitted on 6 December 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DS18, BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the materials used in the construction of the development hereby permitted shall be in full accordance with the details submitted within the application documents. **Reason:** To ensure that the visual amenities of the area are protected and to provide an appropriate form of development in the Green Belt and to satisfy the requirements of Policies DS18 and BE1 of the Warwick District Local Plan 2011-2029;
- (4) the use of the building hereby permitted shall be for personal and private use only and shall at no time be used for commercial activity. **Reason:** In the interest of amenity and highway safety in accordance with Policies DS18, BE3, TR1 and TR3 of the Warwick District Local Plan 2011-2029; and
- (5) there shall be no burning of waste within the site boundaries. **Reason:** In the interest of the amenity of the local area having regard to Policy BE3 of the Warwick District Local Plan 2011-2029.

179. **W/18/2371 – 45 Station Lane, Lapworth**

The Committee considered an application from Mrs Brown for the erection of a two storey side / rear extension.

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

Resolved that W/18/2371 be **granted** in accordance with the recommendation in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing PO2, and specification contained therein, submitted on 12 December, 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

180. **W/18/2422 – 3 Townsend Close, Warwick**

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

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

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

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

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/18/2422 be **granted** in accordance with the recommendation in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 03A, 04A, 05A, and specification contained therein, submitted on 6th February, 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) prior to the occupation of the development hereby permitted, the first floor windows in the north and south elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

181. **W/17/2371 – Land off Rugby Road and Coventry Road, Cubbington**

The Committee considered an application from Bellway Homes (South Midlands) Ltd for a proposed amendment to the Section 106 Agreement for the development of 120 dwellings (including 48 affordable units), formation of single access point from Coventry Road and single access point from Rugby Road, highway works, landscaping, public open space and ancillary works.

The application was presented to Committee because it proposed an amendment to the Section 106 Agreement. The application was brought forward as an urgent item with the agreement of the Chair in order to prevent any delay in finalising the Section 106 Agreement which was very close to completion.

PLANNING COMMITTEE MINUTES (Continued)

In the officer's opinion, the test to be applied when deciding whether the revisions to the document were acceptable was whether the revisions were CIL compliant as proposed.

In this instance, the change involved the addition of one financial contribution which was CIL compliant together with the omission of one financial contribution due to the requirement being covered satisfactorily by the CIL regulations.

The agreement of a standard clause regarding open space was not affected by the CIL regulations and was purely the mechanism to secure appropriate delivery of the open space areas of the development and their future management.

The proposed changes to the Section 106 Agreement accorded with the CIL regulations and it was therefore considered that this test was satisfied.

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

The Committee therefore

Resolved that W/17/2371 variation to the Section 106 Agreement be **approved** in accordance with the recommendation in the report.

182. **Appeals Report**

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

Resolved that the report be noted.

(The meeting ended at 9.33pm)

CHAIR
26 March 2019