

Planning Committee

Minutes of the meeting held on Tuesday 20 June 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Mrs Bunker, Day, Edgington, Gifford, Gill, Heath, Hill, Morris, Mrs Stevens and Weed.

Also Present: Senior Committee Services Officer – Mrs Barnes; Legal Advisors – Ms Amphlett and Mr Gregory; Senior Planning Officer – Mr Charles; Development Services Manager – Mr Fisher; and Head of Development Services – Mrs Darke.

22. Apologies and Substitutes

- (a) There were no apologies; and
- (b) Councillor Gifford substituted for Councillor Boad, and Councillor Gill substituted for Councillor D’Arcy.

23. Declarations of Interest

Minute 28 – W/17/0637 – 12 Park Road, Royal Leamington Spa

Councillor Gifford declared an interest because he had been contacted by the applicant but had only provided procedural advice.

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

Minute 34 – W/17/0521 – 31 Heathcote Road, Whitnash

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

24. Site Visits

To assist with decision making, Councillors Mrs Bunker, Cooke, Day, Gifford, Gill, Heath, Hill, Mrs Stevens and Weed had visited the following application sites on Saturday 17 June 2017:

W/16/1233 – 19 Kenilworth Road, Royal Leamington Spa
W/17/0637 – 19 Park Road, Royal Leamington Spa
W/17/0440 – Land off Bremridge Close, Barford

25. Minutes

The minutes of the meetings held on 25 April, 26 April, 23 May and 24 May 2017 were taken as read and signed by the Chairman as a correct record.

26. W/17/0440 – Land off Bremridge Close, Barford

The Committee considered an application from Taylor Wimpey West Midlands Ltd for the erection of 63 dwellings together with all ancillary

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works including infrastructure, surface water attenuation measures and on-site open space provision.

The application was presented to Committee because of the number of objections received including one from Barford, Sherbourne and Wasperton Joint Parish Council.

In the report, officers clearly acknowledged that the development had been brought forward in advance of the adoption of the emerging Local Plan that allocated this site for development and the site was in conflict with the Barford Neighbourhood Development Plan.

In considering the proposal, officers acknowledged the conflict outlined above, however, the timescales for the development coming forward would bring it in line with the adoption of the Plan and at this stage, the objection would fall away leading to a fully acceptable principle of development for the site.

Officers were of the opinion that site specific concerns had been considered by statutory consultees and this was generally acceptable subject to appropriate conditions securing additional details where necessary.

A Section 106 Agreement was proposed to secure appropriate contributions for local infrastructure improvements to mitigate the impact of the development and, subject to this being signed, there was no objection to the development as proposed.

An addendum circulated at the meeting provided clarification on the Principle of Development and the weight to be afforded to Emerging Policy. Further details were also given on the Neighbourhood Plan, the five year housing land supply position and the siting and design and impact on Living Conditions. The addendum also explained that the development must be in accordance with the Development Plan unless other material considerations indicated otherwise. Officers acknowledged that the current Local Plan policy resisted development within Barford. However, the material considerations that indicated otherwise in this case were the Housing Policies within the emerging Plan which were at an advanced stage and were therefore afforded significant weight in the planning balance. On this basis, Officers were satisfied that this weight outweighed the harm as a result of the departure from the current Local Plan.

In addition, the addendum provided an update on the Section 106 Contributions with a breakdown of the financial contributions that had been requested. Warwickshire County Council (WCC) Highways, following discussions with the applicant's transport consultant and additional information, had no objection to the proposed application subject to conditions. Members were also provided with a summary of the comments made regarding the access to the site, including the emergency/pedestrian access from the site onto Westham Lane.

The following people addressed the Committee:

- Mrs Barlow, Barford, Sherbourne and Wasperton Joint Parish Council, objecting;
- Dr Morrow, objecting;

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- Mr Morgan, objecting;
- Miss Janghra, objecting;
- Ms Kime, objecting;
- Mr Harris, on behalf of the applicant;
- Mr McTague, Technical Director at Taylor Wimpey; and
- Councillor Barrott, Ward Councillor on behalf of Councillors Rhead and Phillips, objecting.

The Legal Officer provided clarification on the rights of way issue raised by one of the public speakers and advised that if a road was in private ownership, this did not mean that there were no public rights of way.

Councillor Gifford queried the original Highways Authority objection and was advised that a written objection had been received. However, further details had been provided in the addendum advising that following discussions with the applicant's transport consultant, the County Highways Authority had no objection subject to conditions, Section 106 Contributions and Notes.

Members were mindful that this site was included in the Emerging Local Plan and to not approve could send a difficult message to the Inspector. In addition, some Members did not feel that they were experts in Highways or Fire Safety matters and had to rely on the opinions given by the experts.

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 Edgington that the application should be granted subject to an additional condition ensuring further options were explored regarding the emergency access.

The Committee therefore

Resolved that W/17/0440 be **granted** subject to a Section 106 Agreement and the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 20137-AA11-PL, 20137-AA24-PL, 20137-AA32-PL, 20137-BAYS-PL, 20137-BPP-01, 20137-BU2-01, 20137-EP-01, 20137-HEY-PL, 20137-MP-01, 20137-NA20-PL, 20137-PA34-PL, 20137-PA48-PL, 20137-PA49-PL, 20137-PB30G-PL1, 20137-PB30G-PL2, 20137-PL-01, 20137-PT36-PL, 20137-PT44-PL, 20137-AA42-PL, c-1461-01 Rev.B and c-1461-02 Rev.B and specification contained therein, submitted on 10 March 2017, 100 Rev.A, 1

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Rev.A and 20137-PL-01 D and specification contained therein, submitted on 18 May 2017 and 20137-POS-01 and specification contained therein, submitted on 26 May 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of all external facing materials to be used together with all hard landscaping materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) no development shall take place until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
 - a) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753
 - b) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the greenfield runoff rates for all return periods.
 - c) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in "Science Report SC030219 Rainfall Management for Developments"
 - d) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage

scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- e) Demonstrate overland flood flow routes in case of system failure, through hydraulically modelling the floodwater outline, indicating flood flow depths and velocities.
- f) Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the maintenance company and a contact for who will be responsible for the site shall be provided to the LPA.
- g) No development shall take place within 8metres of the top bank of any ordinary watercourse.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

- (5) no part of the development hereby permitted shall be implemented until details of all earthworks, mounding and the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, and the development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (6) no part of the development hereby permitted shall be implemented until an updated acoustic assessment of the properties located adjacent to the site boundary with the A425 has been submitted to and approved in writing with the

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Local Planning Authority. The submitted assessment should include a rationale to show how the internal layout and location of residential premises have been designed to ensure that the noise environment is acceptable for future inhabitants with reference to the levels as defined by BS8233: 2014 and WHO guidelines as follows:

Internal noise levels shall not exceed the following levels during daytime:

- Living Room (Daytime 07:00 to 23:00) - 35 dB LAeq,16hour
- Dining Room (Daytime 07:00 to 23:00) - 40 dB LAeq,16hour
- Bedroom (Daytime 07:00 to 23:00) - 35 dB LAeq,16hour

Internal noise levels shall not exceed the following levels during night time:

- Bedrooms (Night time 23:00 to 07:00) - 30dB LAeq,8hr, with the maximum instantaneous noise level not exceeding 45dB LAmax,fast (Night-time LAmax as prescribed by WHO Guidelines for Community Noise; 1999).

The daytime external noise level in amenity areas shall not exceed 50dB LAeq,t with reference to WHO

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (7) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;
- (8) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and

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approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; noise assessment and mitigation method statements for the construction activities, in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites - Part 1 and 2, delivery times and site working hours, site lighting, access and protection arrangements around the site for pedestrians, cyclists and other road users and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

- (9) 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;
- (10) no part of the development hereby permitted shall be commenced until additional detailed ecological surveys for bats, great crested newts and reptiles together with a detailed mitigation strategy have been carried out by a

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suitably qualified person and thereafter submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with approved details and retained in perpetuity. **Reason:** To safeguard the presence and population of protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (11) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (12) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that

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seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (13) the development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter.

Reason: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

- (14) 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 DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (15) the approved 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

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

(16) there shall be no access taken off Westham Lane for any construction, delivery, contractors or other vehicles in connection with the construction of the development. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and

(17) further options will be explored regarding the emergency access to the site.

(Councillor Morris arrived during consideration of the application and was therefore advised by the Chairman that he would be unable to vote on the proposal.)

27. W/17/0686 – Lodge Farm House, Westwood Heath Road, Coventry

The Committee considered an application from Lever Arch Investments Ltd for the change of use from Guest House (Use Class C1) to a nine bedroom House in Multiple Occupation (HMO) (Sui Generis) and two studio apartments (Use Class C3).

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

The officer acknowledged that the use of the property as a House in Multiple Occupation in this location would not accord with the parameters set out in Policy H6 of the emerging Local Plan. In assessing the proposal, Officers had taken into consideration the site specific matters that gave support to the scheme and when these had been balanced against the conflict with the Policy, Officers were of the opinion that the proposal would be appropriate in this location and the level of harm would not be sufficient to warrant the refusal of planning permission.

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The report stated that site specific matters including the impact on the openness of the Green Belt, the impact on the local area, the impact on neighbouring amenity and highway safety had all been considered and were acceptable.

In addition, the operation of the premises as an HMO had been assessed as an acceptable standard of accommodation and associated facilities were adequate for the use. Therefore, overall, officers were of the opinion that the scheme was acceptable.

An addendum circulated at the meeting clarified that the proposal was not inappropriate development in the Green Belt because it complied with Paragraph 90, Bullet Point 4 of the NPPF that referred to the reuse of buildings. In addition, Condition 3 of the report had been removed because it did not meet the Tests of Planning Conditions, as set out within the National Planning Policy Guidance.

The following people addressed the Committee:

- Councillor Green, on behalf of Burton Green Parish Council, objecting;
- Mr Convey, local resident, objecting;
- Mr Burns, local resident, objecting; and
- Mr Williams, local resident, objecting.

Clarification was provided on the distance from the property to the nearest bus stop. Officers concurred with the statement made by the Parish Council that the nearest bus stop was 530 metres to travel westward and 650 metres to travel eastward. Under Policy H6, an HMO could only be granted if the application site was within 400 metres of a bus stop.

Members raised concerns that the proposal was contrary to District Council policy and, despite the reasonable target audience at the University, the location was isolated and the residents would need access to transport.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Gifford and seconded by Councillor Weed that the application should be refused because it did not meet the requirements of the Council's HMO Policy H6.

The Committee therefore

Resolved that W/17/0686 be **refused** because the application did not meet the requirements of the Council's HMO Policy H6.

28. W/17/0637 – 12 Park Road, Royal Leamington Spa

The Committee considered an application from Mr Chander for a garage conversion, erection of a flat roof canopy to front elevation; erection of single and two storey rear extension; decking area to rear; erection of detached outbuilding in rear garden; elevational changes to dwelling; enlargement of driveway area and additional site access with dropped kerb.

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

The proposal was for a single and two storey rear extension together with works to the frontage to an existing detached dwelling adjacent to the Royal Leamington Spa Conservation Area. In the opinion of the District Planning Authority the proposed development would not have any significant demonstrable harm to the character of the local area and would preserve the setting of the adjacent Conservation Area.

The proposed extension would result in some harm to the amenity of neighbouring properties, however, the level of harm identified was not sufficient to warrant the refusal of planning permission. The development was also considered to have no detrimental impact on highway safety and was therefore recommended for approval.

The following people addressed the Committee:

- Mr Driffill, local resident, objecting;
- Mr Holden, local resident, objecting;
- Mr Chander, applicant; and
- Councillor Cain, Ward Councillor, objecting.

Some Members raised concerns that the height of the decking could seriously affect the neighbours' ability to enjoy their back garden.

Officers suggested that the height of the decking could be restricted by condition and following discussions it was agreed that this could be determined with officers, following liaison with the Chairman of Planning Committee.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Heath that the application should be granted in accordance with the recommendations in the report, subject to an additional condition limiting the height of the decking. Such height would be determined by the Head of Development Services in consultation with the Chairman of Planning Committee.

The Committee therefore

Resolved that W/17/0637 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) CHANDER/03C,

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CHANDER/04C AND CHANDER/05C, and specification contained therein, submitted on 25 May 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) prior to commencement of the development hereby approved, details of a porous surface treatment for the drive or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **Reason:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;
- (5) no part of the development hereby permitted shall be commenced until a scheme for the protection of existing trees and hedgerows in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The scheme should incorporate a detailed methodology for the carrying out of works within the identified root protection areas of any protected trees or hedgerows. **Reason:** To ensure that all landscaping features adjacent to the proposed development are not harmed as a result of the works;
- (6) the development hereby permitted shall not be

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commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (7) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (8) the decking area hereby permitted shall not be occupied unless and until the privacy screens have been installed in accordance with the approved details. The screens shall be maintained as such at all times thereafter. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (9) no more than 2 accesses for vehicles shall be

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made or maintained to the site from 12 Park Road. **Reason:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

- (10) the development hereby permitted shall not be occupied until 2 accesses for vehicles have been provided to the site not less than 3 metres in width at any point as measured from the near edge of the public highway carriageway. **Reason:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (11) the development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 3 metres, as measured from the near edge of the public highway carriageway. **Reason:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (12) the accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound macadam material in accordance with details to be approved in writing by the Local Planning Authority. **Reason:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (13) the accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **Reason:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (14) the accesses to the site for vehicles shall not be used unless public highway footway crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011; and
- (15) the height of the decking will be limited, such height to be determined by the Head of Development Services in consultation with the Chairman of Planning Committee.

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29. W/17/0645 – 28 Miranda Drive, Warwick Gates, Warwick

The Committee considered an application from Mr Rees for the removal, repair and realignment of a two metre high garden wall.

The application was presented to Committee because an objection had been received from Bishop's Tachbrook Parish Council.

The officer was of the opinion that the removal of the tree, whilst unfortunate, had been justified in this case and opportunities to provide a replacement tree on land within the control of the application had been fully explored. The applicant was planting a suitable replacement reflecting the size of the available garden area and was reinforced by condition.

The proposed repair and realignment of wall would retain the existing height and appearance of the wall in terms of materials used and would have no significant impact on the character and amenity of the local area or impact on neighbouring properties.

An addendum circulated at the meeting advised that an email had been received from the applicant who wanted to stress their willingness to plant a new tree within the garden.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Mrs Bunker and seconded by Councillor Gifford that the application should be granted in accordance with the recommendation in the report.

The Committee therefore

Resolved that W/17/0645 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) Rees/50/1 and Rees/50/2, and specification contained therein, submitted on 10 April 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the

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existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and

- (4) a replacement tree shall be planted on the land to the front of the house within the control of the applicant within the first planting season following the completion of the works to the boundary wall. **Reason:** To mitigate for the loss of the existing tree and in the interest of visual amenity.

30. W/16/1233 – 19 Kenilworth Road, Royal Leamington Spa

The Committee considered an application from Audley Care Ltd for the demolition of existing structures and construction of replica east facing facade together with construction of new buildings and conversion of two cottages to provide 26 apartments, care office, residential lounge, car parking and landscaping (Use Class C2) as an extension of the Audley Binswood Hall Care Community.

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

The officer was of the opinion that the proposals would preserve the character and appearance of the Conservation Area and would have an acceptable impact on the living conditions of neighbouring dwellings and on the adjacent school. It had been demonstrated that the provision of affordable housing would render the scheme unviable. Furthermore, it had been concluded that the proposals would be acceptable in terms of car parking, highway safety, impact on trees and ecological impact. Therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting advised that a neighbour had submitted a further objection raising concerns about contractor car parking during construction works. In addition, the addendum stated that conditions 4, 5, 8, 11 had been amended to allow for demolition works to be undertaken prior to the submission of the details required by those particular conditions and provided clarification that the existing rear extension was three storeys high.

The following people addressed the Committee:

- Mr Wynford Dore, representative of Arnold Lodge School, objecting; and
- Mr Krauze, on behalf of the applicant, Audley Care Ltd.

Members requested clarification on the windows to be obscure glazed and whether these would also be non-opening. Officers confirmed that the stairwell had been carefully considered but the potential for overlooking was reduced due to the use of that part of the building. In addition, the lift well would be formed with smoked glass which would look solid and the

PLANNING COMMITTEE MINUTES (Continued)

bedroom windows could be obscure glazed and designed to have a reduced casement operation.

Officers also advised Members that a non-negotiable, key factor in the proposal had been that the building frontage had to be rebuilt as per the original building.

In response to concerns raised about the development's close proximity to the Conservation Area, officers assured Members that a lot of time and care had been taken with the scheme and the Authority did not consider demolition lightly.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Heath that the application should be granted subject to amended wording to condition 20. This would ensure that all first and second floor windows facing toward the school were obscure glazed and had restricted opening, the details of which were to be agreed with the Planning Department prior to occupation of the development.

The Committee therefore

Resolved that W/16/1233 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 709-P-018B, 709-P-019B, 709-P-020B, 709-P-021B, 709-P-022B, 709-P-023B, 709-P-024E, 709-P-026C, 709-P-143 & AL6382-2000 REV A, and specification contained therein, submitted on 9 June 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of

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Policy DP1 of the Warwick District Local Plan 1996-2011;

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

Reason: For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

- (7) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; a construction phasing plan; and a HGV routing 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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

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

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

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

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

- (9) the development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of

PLANNING COMMITTEE MINUTES (Continued)

works, replacement roost details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(10) the development hereby permitted shall either:

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

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

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

(11) no works shall commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme must include all aspects of landscaping including details of native planting (including tree replacement planting, wildflower area) and installation of bird boxes. The agreed scheme shall be fully implemented in strict accordance with the approved details.

Reason: To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework;

(12) notwithstanding the details shown on the submitted plans, the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates;

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

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

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shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within and adjacent to the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (14) no development shall commence until a suitably qualified tree specialist has been appointed to supervise works within the root protection areas of the trees to be retained on site and adjacent to the site. The appointed tree specialist shall undertake supervision and monitoring of the tree protection works throughout the construction period and following the completion of construction works shall submit a completion statement to the local planning authority to demonstrate compliance with the approved tree protection measures. **Reason:** In order to protect and preserve existing trees within and adjacent to the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (15) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (16) the dwellings shall not be occupied unless and until the cycle parking, car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter

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those areas shall be kept marked out and available for such use at all times. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (17) none of the apartments hereby permitted shall be occupied unless and until the bin store has been constructed in strict accordance with the approved plans. The bin store shall be retained at all times thereafter. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (18) all window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (19) all rainwater goods for the development hereby permitted shall be metal. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (20) No part of the development hereby permitted shall be occupied unless and until:
 - (a) details of obscure glazing and restricted opening to all first and second floor windows in the south elevation facing towards the school playground have been submitted to and approved in writing by the local planning authority; and
 - (b) all first and second floor windows in the south elevation facing towards the school playground have been permanently glazed with obscured glass and have restricted opening in accordance with the details approved under (a).

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 DP2 of the Warwick

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District Local Plan 1996-2011;

- (21) other than staff accommodation which may be provided on-site, each unit of accommodation hereby permitted shall be occupied by at least one person in need of personal care by reason of old age, infirmity or disablement. **Reason:** To ensure compliance with the terms of the application, which proposes that the development will be an extension of the existing Binswood Hall care community; and
- (22) the roofing material for the development shall be natural slate, a sample of which shall have been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

31. W/17/0395 – University of Warwick, Land to west of Gibbet Hill Road, Coventry

The Committee considered an application from the University of Warwick for the demolition of the Redfern Halls of Residence and Warden's house, erection of 11 new buildings to provide 794 bed student accommodation and new Warden's house together with 'village hall' and associated parking facilities, drainage work and soft landscaping provisions.

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

The report advised that the principle of development had been considered having regard to a number of factors, including the relevant policy provisions of both the saved and the emerging Local Plans, as well as the approved Masterplan. However, it was recognised that the Masterplan was nearing the end of its ten year period of adoption and was under review to take account of the University's changing circumstances and requirements as it continued to expand.

The Emerging Local Plan (ELP) proposed the removal of this site from the Green Belt. Given the advanced stage of the ELP, and considering the modifications and additional text in the policy relating to the University proposed by the Inspector, this was a material consideration which had been afforded substantial weight. Notwithstanding this, it was considered that the proposal would cause only limited harm to the Green Belt and that the harm was clearly outweighed by the very special circumstances set out above.

The officer was of the opinion that overall, the principle of development was therefore considered to be acceptable. There would be no unacceptable

PLANNING COMMITTEE MINUTES (Continued)

visual harm to the character and appearance of the surrounding area and no harm to the amenity of neighbouring land uses and existing buildings. The proposal would not be detrimental to highway safety and matters related to drainage, ecology, archaeology and contaminated land could all be adequately mitigated through the imposition of appropriate conditions.

For all these reasons it was recommended that planning permission be granted subject to the conditions and notes set out in the report.

An addendum circulated at the meeting advised that negotiations were ongoing with the Open Space team in respect of securing a relevant scheme in this respect that was relative and proportionate to the scale of development proposed. Depending on the final response and calculations undertaken, there would be a need for an additional condition/unilateral undertaking to secure the relevant scheme.

The following people addressed the Committee:

- Councillor Green, on behalf of Burton Green Parish Council, objecting; and
- Mr Best, on behalf of the University of Warwick.

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

The Committee therefore

Resolved that W/17/0395 be **granted** subject to

- a) a Section 106 Agreement to provide for a contribution to Public Open Space if deemed necessary by the Head of Development Services in consultation with the Chairman of Planning Committee; and
- b) the following conditions:
 - (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
 - (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings P0103-RHP-CS-XX-A-1005-3, P0103-RHP-CS-XX-A-1006-3, P0103-RHP-CS-XX-A-1010-2, P0103-RHP-CS-XX-A-1200-8, P0103-RHP-CS-GF-A-1100-13, P0103-RHP-CS-01-A-1101-11, P0103-RHP-CS-02-A-1102-11, P0103-RHP-CS-03-A-1103-11, P0103-RHP-CS-04-A-1104-11, P0103-RHP-CS-05-A-1105-

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11, P0103-RHP-CS-06-A-1106-11, P0103-RHP-CS-RF-A-1107-4, P0103-RHP-BA-XX-A-2000-1, P0103-RHP-BA-XX-A-2001-1, P0103-RHP-BA-XX-A-2005-2, P0103-RHP-BA-XX-A-2006-2, P0103-RHP-BB-XX-A-2010-1, P0103-RHP-BB-XX-A-2011-1, P0103-RHP-BB-XX-A-2015-2, P0103-RHP-BB-XX-A-2016-2, P0103-RHP-BC-XX-A-2020-1, P0103-RHP-BC-XX-A-2025-2, P0103-RHP-BD-XX-A-2030-1, P0103-RHP-BD-XX-A-2035-1, P0103-RHP-BD-XX-A-2036-1, P0103-RHP-BE-XX-A-2040-1, P0103-RHP-BE-XX-A-2045-2, P0103-RHP-BE-XX-A-2046-2, P0103-RHP-BF-XX-A-2050-1, P0103-RHP-BF-XX-A-2051-1, P0103-RHP-BF-XX-A-2055-2, P0103-RHP-BF-XX-A-2056-2, P0103-RHP-BG-XX-A-2060-1, P0103-RHP-BG-XX-A-2061-1, P0103-RHP-BG-XX-A-2065-2, P0103-RHP-BG-XX-A-2066-2, P0103-RHP-BG-XX-A-2067-2, P0103-RHP-BH-XX-A-2070-1, P0103-RHP-BH-XX-A-2071-1, P0103-RHP-BH-XX-A-2075-2, P0103-RHP-BH-XX-A-2076-2, P0103-RHP-BI-XX-A-2080-1, P0103-RHP-BI-XX-A-2085-2, P0103-RHP-BJ-XX-A-2090-1, P0103-RHP-BJ-XX-A-2095-2, P0103-RHP-BJ-XX-A-2096-2, P0103-RHP-BK-XX-A-2100-1, P0103-RHP-BK-XX-A-2101-1, P0103-RHP-BK-XX-A-2105-2, P0103-RHP-BK-XX-A-2106-2, P0103-RHP-BL-XX-A-2110-1, P0103-RHP-BL-XX-A-2115-2, P0103-RHP-BM-XX-A-2120-1, P0103-RHP-BM-XX-A-2125-2, P0103-RHP-XX-XX-A-2130-1, P0103-RHP-XX-XX-A-2131-1, P0103-RHP-XX-XX-A-2175-1, P0103-RHP-XX-A-2176-1, P0103-RHP-XX-XX-A-2177-1, P0103-RHP-BD-XX-A-2178-1, UAG3297_A (Sheet 1), UAG3297_A (Sheet 2), B00802-SWH-ZZ-XX-M2-D-550-P04, 457/100, 457/200, 457/500, 457/120, RESRPA-JAN17, RESTRP-JAN17, C118397-04, C124214-B1.2, C124214-C3.2a, C124214-C3.2b, C124214-D, C124214-E3.1, C124214-E4a and SK600 and specification contained therein, submitted on 3 March 2017.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in

PLANNING COMMITTEE MINUTES (Continued)

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 DP1 of the Warwick District Local Plan 1996-2011;

- (4) no development shall take place until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall be subsequently implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- a. Carry out infiltration testing in accordance with BRE 365 guidance to clarify whether infiltration into the ground is a viable means of disposing of surface water.
 - b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753
 - c. Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBAR runoff rates for all return periods.
 - d. Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in "Science Report SC030219 Rainfall Management for Developments"
 - e. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - f. Evidence from Seven Trent Water (STW) will be required granting approval of discharge of sewerage to their assets including discharge rate and connection points.
 - g. Demonstrate overland flood flow routes in case of system failure, through hydraulically modelling the floodwater outline, indicating

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flood flow depths and velocities.

h. Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the maintenance company and a contact for who will be responsible for the site shall be provided to the LPA.

i. No development shall take place within 8metres of the top bank of any ordinary watercourse.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

- (5) no part of the development hereby permitted shall be commenced until an appropriate ground gas risk assessment for the site has been undertaken and the results of this assessment have been submitted to and approved in writing by the local planning authority. If the assessment identifies that gas protection measures are necessary, the applicant must submit details of these gas protection measures to the local planning authority for approval. Once approved, the gas protection measures shall be installed in strict accordance with the approved details and no part of the development shall be occupied until a verification report confirming that the gas protection measures have been installed has been submitted to and approved in writing by the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (6) 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, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of the 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. **Reason:** To safeguard

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health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (7) no part of the development hereby permitted shall be commenced 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 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.
 - 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 Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;

- (8) the development hereby permitted (including demolition) shall not commence until a further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European

PLANNING COMMITTEE MINUTES (Continued)

Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (9) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (10) prior to the first occupation of the development hereby permitted, a Car Parking Management Strategy shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out and maintained in accordance with these approved details. **Reason:** In the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (11) 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

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

- (12) the development hereby permitted shall only be undertaken in strict accordance with the details of both hard and soft landscaping works illustrated on approved drawings 457/100 and 457/200 received on 3 March 2017 and the additional information in relation to the planting mix received on 7 June 2017. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011; and
- (13) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of

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cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

32. W/17/0809 – Baginton School (Lucy Price Schoolrooms), Church Road, Baginton

The Committee considered an application from the Trustees of the Lucy Price Sunday School Trust for the proposed demolition of the existing school building and the erection of two new dwellings, and associated landscaping.

The application was presented to Committee because Baginton Parish Council supported the application and the officer's recommendation was one of refusal.

The officer was of the opinion that the proposed development of two dwellings would represent the loss of a community facility and was considered to be harmful to the openness of the Green Belt and would have a detrimental impact on the Conservation Area, and setting of a Grade I listed building. There were no public benefits considered to outweigh the harm caused to the Conservation Area or setting of the listed building. Furthermore, the development was considered to be harmful to the existing street scene and could also potentially cause harm to protected wildlife species. Therefore, the proposal was considered to conflict with the NPPF and aforementioned Local Plan policies and guidance.

An addendum circulated at the meeting provided clarification on the Principle of the Development, with particular reference to the Five Year Housing Land Supply and advised that the proposed development was not in accordance with adopted Local Plan policy RAP1 as detailed in the case officer's report. An explanation was provided on the impact of the development proposal on Landscape and Heritage Assets and additional consultation responses were also outlined from representatives of St John the Baptist Church and The Old School House and the respective officer responses.

The following person addressed the Committee:

- Mr Brown, supporting.

PLANNING COMMITTEE MINUTES (Continued)

Officers provided clarification on what was required to make it a community facility and advised that the evidence provided had not demonstrated disrepair.

Members suggested that the applicant should continue with discussions as to the future development of the site and encouraged them to work with officers.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Mrs Bunker that the application should be refused in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/17/0809 be **refused** for the following reason:

- (1) the application site comprises a building which until recently has had a longstanding community use and which is located in the Green Belt and the Baginton Conservation Area in close proximity to a Grade I Listed Church.

The proposed development by reason of its location, nature, design, materials, bulk and massing would:-

- i. Result in the loss of an existing longstanding local community facility which the applicant has failed to demonstrate is either redundant; no longer needed, or provided in an alternative accessible location.
- ii. Comprise inappropriate development within the Green Belt to which there is an objection in principle and in respect of which no very special circumstances sufficient to outweigh that harm have been demonstrated;
- iii. Be harmful to i. the setting of the immediately adjacent Grade I Listed Church; and ii. the character and appearance of the Baginton Conservation Area within which the site is located and therefore the significance of those heritage assets. That harm, whilst less than substantial would not be outweighed by any public benefits offered by the scheme.

PLANNING COMMITTEE MINUTES (Continued)

- iv. Result in a development, the detailed design of which is incongruous and does not harmonise within the street scene to the detriment of the established character of this part of the village.
- v. Make insufficient provision for car parking within the site and therefore increase the likelihood of additional parking within the public highway causing danger and inconvenience to other road users.

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

The Warwick District Local Plan 1996 – 2011

- Policy SC8: Protecting Community Facilities
- Policy DP1: Layout and Design
- Policy DAP4: Protection of Listed Buildings
- Policy DAP8: Protection of Conservation Areas
- Policy DP8: Parking

The Emerging Warwick District Local Plan 2011 -2029

- Policy HS8: Protecting Community Facilities
- Policy DS19: Green Belt
- Policy BE1: Layout and Design
- Policy HE1: Protection of Statutory Heritage Assets
- Policy HE2: Protection of Conservation Areas
- Policy TR4: Parking.

33. W/17/0710 – 88 Westlea Road, Royal Leamington Spa

The Committee considered an application from Mr Dhesi for the change of use from a six bed House in Multiple Occupation (HMO) to a seven bed HMO (Sui Generis).

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

The officer was of the opinion that the proposed additional bedroom to the existing HMO within this area adhered to the criteria set out within the emerging Local Plan and more specifically Policy H6. There would be no additional harm to nearby uses or residents as a result of the proposal and the parking arrangements, subject to a condition to move the existing lamp post to the front of the application site, were considered to be acceptable.

PLANNING COMMITTEE MINUTES (Continued)

Adequate waste storage was already provided and therefore the application should be granted.

An addendum circulated at the meeting detailed an additional objection from Councillor Naimo, along with the subsequent officer response, and advised that Community Safety had no objection to the proposal.

The following person addressed the Committee:

- Councillor Barker, Royal Leamington Spa Town Council, objecting.

Some Members raised concerns about the lack of space in the property and residents being 'squeezed in'. A motion to refuse the application on the grounds that there was insufficient space resulting in overcrowding, was defeated.

Members were mindful that there was no objection from the Council's Private Sector Housing department with reference to the adequacy of the communal living space and the application met all the criteria of H6 of the Council's HMO Policy.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Edgington that the application should be granted in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/17/0710 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 2148/1, and specification contained therein, submitted on 19th April 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

- (4) the development shall not be used for the purpose hereby permitted until the Highway Lamp Column has been relocated to a location agreed by the Highway Authority. **Reason:** To ensure the provision of adequate off street parking, the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

34. W/17/0521 – 31 Heathcote Road, Whitnash

The Committee considered an application from Mr & Mrs Bains for the erection of two storey side extension, part two storey and single storey rear extensions and rear box dormer.

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

The officer was of the opinion that the proposal was of an acceptable design and scale and would not result in a negative impact upon the amenity of neighbouring properties to warrant refusal of the application.

Following consideration of the report and presentation it was proposed by Councillor Mrs Bunker and seconded by Councillor Day that the application should be granted in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/17/0521 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings, 2109/2/A, 2109/1/B and specification contained therein, submitted on 17/05/2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and
- (5) 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

PLANNING COMMITTEE MINUTES (Continued)

discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

35. W/17/0627 – Wimsley, 30 Southam Road, Radford Semele

The Committee considered an application from Mr & Mrs O'Hara for the erection of a one and a half storey rear extension and roof alterations to include hip to gable extensions on both sides.

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

The officer was of the opinion that the proposed roof alteration consisting of a hip to gable roof extension together with a one and half storey rear extension would not appear as an incongruous feature within the street scene, due to the existing mix of size, style and design of houses with varying materials within this location. Furthermore, the proposals complied with the Residential Design Guide SPG, the 45 Degree Line SPG and the Distance Separation SPG and would not result in material harm to the occupiers of the neighbouring properties through visual intrusion, loss of light or privacy.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Stevens and seconded by Councillor Weed that the application should be granted in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/17/0627 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 004 & 005 and specification contained therein, submitted on 6 April 2017. **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;

PLANNING COMMITTEE MINUTES (Continued)

- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and
- (4) 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 DP2 & DP9 of the Warwick District Local Plan 1996-2011.

36. W/16/2356 – Grove Farm, Harbury Lane, Bishop's Tachbrook

The application was withdrawn from the agenda prior to the meeting taking place due to a no objection being received from Bishop's Tachbrook Parish Council. The application had therefore been determined under delegated powers.

PLANNING COMMITTEE MINUTES (Continued)

37. 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 10.25pm)