

# Planning Committee

Minutes of the meeting held on Tuesday 19 July 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

**Also Present:** Committee Services Officer – Mrs Dury; Legal Advisor – Mr Howarth; Head of Development Services – Mrs Darke; and Development Manager – Mr Fisher.

## 30. Apologies and Substitutes

- (a) There were no apologies.
- (b) Councillor Mrs Evetts substituted for Councillor Day and Councillor Margrave substituted for Councillor Heath.

## 31. Declarations of Interest

Minute Number 34 – W/16/0777 – St Nicholas Park Leisure Centre, Warwick

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

Minute Number 36 – W/16/0409 – 147 Landor Road, Whitnash

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

Minute Number 42 – W/16/0912 – 22-24 High Street, Warwick

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

Minute Number 43 – W/16/0708 LB – 24 Saltisford, Warwick

Councillor Mrs Bunker declared an interest on behalf of all Members when the meeting reached this item because the applicant was a Warwick District Councillor.

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

## 32. Site Visits

To assist with decision making, Councillors Boad, Mrs Bunker, Cooke, Margrave, Morris, Mrs Stevens and Weed visited the following application sites on Saturday 16 July 2016:

W/16/0441 – Land on Westham Lane, Barford;

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

W/16/0775 – 5 Inchbrook Road, Kenilworth;  
W/16/0793 – The Limes, 21 Guys Cliffe Avenue, Royal Leamington Spa;  
W/16/0902 – 13 Newbold Terrace, Royal Leamington Spa; and  
W/16/0912 – 22-24 High Street, Warwick.

### **33. Minutes**

The minutes of the meetings held on 24 May and 21 June 2016 were taken as read and signed by the Chairman as a correct record.

### **34. W/16/0777 – St Nicholas Park Leisure Centre, Warwick**

The Committee considered an application from Warwick District Council for the erection of an extension to the existing leisure facility and associated ramps, steps and landscaping.

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

The officer was of the opinion that the proposals would generate significant benefits in terms of meeting the identified need for enhanced sports and leisure facilities and ensuring the viability of the existing sports and leisure facilities on the application site. These were key priorities for both the Council corporately and also for local and national planning policy. The proposals were in accordance with Draft Local Plan Policy HS5, and therefore were considered to be acceptable in principle. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the conservation area. Furthermore, the proposals were considered to be acceptable in terms of the impact on trees, car parking, highway safety, bats and in terms of flood risk. Therefore it was recommended that planning permission be granted.

An addendum circulated at the meeting stated that the results of gas monitoring had been submitted by the applicant and had been accepted by Environmental Health, giving rise to a recommendation for a revised contamination condition.

Members were informed at the meeting that the Council had received a late letter of objection at around 4.30pm that day. This referred to internal arrangements in the changing rooms and some articles in the Press.

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that the application should be granted with a revised contamination condition.

The Committee therefore

**Resolved** that W/16/0777 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section Item 4a / Page 2

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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) 10897/20-1, 10897/20-2, 10897/20-3, 10897/20-20, 10897/90-01, 10897/90-10, 91381-GA103B, 91381-SE300B & 16-07-01A, and specification therein, submitted on 27 April 2016 & 8 June 2016.  
**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall be carried out only in full accordance with sample details of all facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) notwithstanding the details submitted with the application, the development hereby permitted shall only be undertaken in strict accordance with revised details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. 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

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (5) notwithstanding the details submitted with the application the development hereby permitted shall not take place until revised details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried in strict accordance with the details approved under this condition. **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;
- (6) a revised contamination condition;
- (7) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands, woodland creation/enhancement and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework;
- (8) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction

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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;

- (9) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until the tree protection measures shown on drawing no. 16-07-01A have been implemented in strict accordance with the approved details. The tree protection measures shall be maintained in strict accordance with the approved details for the duration of construction works. **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (10) no development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. measures to control the routing and timing of heavy goods vehicle movements;
- ii. the parking of vehicles of site operatives and visitors;
- iii. loading and unloading of plant and materials; and
- iv. wheel washing facilities.

**Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (11) the development hereby permitted shall not be occupied unless and until the air quality mitigation measures specified in the report entitled "Air Quality - Low Emission

## PLANNING COMMITTEE MINUTES (Continued)

Assessment" (ref. 402.06058.00001) by SLR Consulting Ltd (Version 1 - March 2016) have been implemented in strict accordance with the approved details. The air quality mitigation measures shall be retained and maintained in strict accordance with the approved details 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;

- (12) no external lighting shall be installed other than in accordance with drawing no. 91381M-DB3-SNLC-EX-DR-E-63\_01 T1. **Reason:** To ensure that any lighting is designed so as not to detrimentally affect protected species, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (13) noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (14) the development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of reptiles, amphibians, nesting birds and badgers within the site as set out in the document 'Ecological Impact Assessment St. Nicholas Park Leisure Centre' prepared by Ridgeway Ecology, received by the District Planning Authority on 27th April 2016. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011; and
- (15) the development hereby permitted shall not be occupied until details of signage have been submitted to and approved in writing by the

## PLANNING COMMITTEE MINUTES (Continued)

local planning authority and the signage has been installed in strict accordance with the approved details. **Reason:** To ensure a good standard of legibility for the scheme within this public park, in accordance with Policy DP1 of the Warwick District Local Plan.

### 35. **W/16/0784 – Newbold Comyn Leisure Centre, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for the erection of an extension to the existing leisure facility, associated hard and soft landscaping and reconfiguration of the existing car park.

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

The officer was of the opinion that the proposals would generate significant benefits in terms of meeting the identified need for enhanced sports and leisure facilities and ensuring the viability of the existing sports and leisure facilities on the application site. These were key priorities for both the Council corporately and also for local and national planning policy. The proposals were in accordance with Draft Local Plan Policy HS5 and complied with Green Belt policy in the NPPF. Therefore the development was considered to be acceptable in principle. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the conservation area. Furthermore, the proposals were considered to be acceptable in terms of the impact on trees, car parking, highway safety, bats and in terms of flood risk. Therefore it was recommended that planning permission should be granted.

An addendum circulated at the meeting gave details that Warwickshire County Council (WCC) had not raised any objection to the application, subject to condition 3 as listed in the report. The applicant had submitted revised lighting details to address issues that had been raised by WCC Ecology. Results of gas monitoring had been submitted by the applicant, and these had been accepted by Environmental Health, giving rise to a recommendation for a revised contamination condition.

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application should be granted subject to appropriate revised conditions in respect of lighting details and contamination.

The Committee therefore

**Resolved** that W/16/0784 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990
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(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) 91381GA-100B, 91381GA-101C, 91381GA-102B, 91381GA-103C, 91381GA-202C, 91381GA-203C, 91381GA-300B, 91381GA-301B, 91381GA-600D, 91381GA-601B, 91381M-DB3-NCLC-EX-DR-E-60\_01 T3, 91381M-DB3-NCLC-EX-DR-E-63\_01 T4, 91381M-DB3-NCLC-EX-DR-E-63\_02 T4, 6618-CUR-ZZ-XX-DR-C-0700 P03, 16-06-03D & 16-06-06A, and specification therein, submitted on 27 April 2016 & 9 July 2016, except as required by Condition 3 below.

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

- (3) notwithstanding the details of the alterations to the car park that are shown on the submitted plans, no development shall commence until revised details of alterations to the existing car park have been submitted to and approved in writing by the local planning authority. The car park alterations shall be completed in strict accordance with the details approved under this condition before the extensions hereby permitted are first used. **Reason:** To ensure adequate parking is provided and to ensure that important trees are retained, in accordance with Policies DP3 and DP8 of the Warwick District Local Plan;

- (4) the development shall be carried out only in full accordance with sample details of all facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (5) notwithstanding the details submitted with the application, the development hereby permitted shall only be undertaken in strict accordance with revised 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,



## PLANNING COMMITTEE MINUTES (Continued)

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. 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;

- (6) notwithstanding the details submitted with the application the development hereby permitted shall not take place until revised details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried in strict accordance with the details approved under this condition. **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) A revised contamination condition;
- (8) 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.

## PLANNING COMMITTEE MINUTES (Continued)

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

- (9) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands, woodland creation/enhancement and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework;
- (10) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (11) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until the tree protection measures shown on drawing no. 16-06-03 have been implemented in strict accordance with the approved details. The tree protection measures shall be maintained in strict accordance with the approved details for the duration of

## PLANNING COMMITTEE MINUTES (Continued)

construction works. **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (12) the development hereby permitted shall not commence until further bat surveys of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys - Good Practice Guidelines, have 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 Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (13) no development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. measures to control the routing and timing of heavy goods vehicle movements;
- ii. the parking of vehicles of site operatives and visitors;
- iii. loading and unloading of plant and materials; and
- iv. wheel washing facilities.

**Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (14) the development hereby permitted shall not be occupied unless and until the air quality mitigation measures specified in the report entitled "Air Quality - Low Emission Assessment" (ref. 402.06058.00001) by SLR Consulting Ltd (Version 1 - March 2016) have been implemented in strict accordance with the approved details. The air quality mitigation measures shall be retained and maintained in strict accordance with the approved details at all times thereafter. **Reason:** To ensure mitigation against air quality impacts

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (15) a revised lighting condition;
- (16) noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (17) the development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of reptiles, amphibians, nesting birds, badger, white-clawed crayfish, otter and water vole within the site as set out in the document 'Ecological Impact Assessment Newbold Comyn Leisure Centre' prepared by Ridgeway Ecology, received by the District Planning Authority on 27th April 2016. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011; and
- (18) the development hereby permitted shall not be occupied until details of signage have been submitted to and approved in writing by the local planning authority and the signage has been installed in strict accordance with the approved details. **Reason:** To ensure a good standard of legibility for the scheme within this public park, in accordance with Policy DP1 of the Warwick District Local Plan.

### 36. **W/16/0409 – 147 Landor Road, Whitnash**

The Committee considered an application from Mr Ubhi for the erection of a single and two storey side extension.

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

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 extensions were of a suitable scale, design and siting, in accordance with the Council's Residential Design Guide SPG, and the proposal would not harm residential amenity or highway safety. The proposal was therefore considered to accord with the policies stated in the report.

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

The Committee therefore

**Resolved** that W/16/0409 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings Existing Block Plan and 01 submitted on 3rd March 2016, and Proposed Block Plan and 04B submitted on 5th July 2016, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is

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

made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (4) 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; and
- (5) 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.

### **37. W/16/0441 – Land on Westham Lane, Barford**

The Committee considered an application from Waterloo Housing Group for four blocks of semi-detached and terraced houses forming nine residential plots of three bedroom houses with associated gardens and parking.

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

The officer was of the opinion that the development complied with all current Local Plan Policies (aside from RAP1, which the NPPF advised could carry only limited weight) and policies of the NPPF as a whole. The presumption in favour of sustainable development carried substantial weight, as did the contribution the development would make to the provision of housing to meet the needs of the District. It was therefore concluded that the development should be granted.

An addendum circulated at the meeting gave details of further comments received from a local resident which raised issues of land ownership and highway safety.

## PLANNING COMMITTEE MINUTES (Continued)

Mr Peters had registered to speak against the application, but when called upon to present his case, he was unavailable. Mr Woods, the applicant, addressed the Committee in support of the application.

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

The Committee therefore

**Resolved** that W/16/0441 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3237-111B, 3237-112A, 3237-115, 3237-116, and specification contained therein, submitted on 01/03/16 and 13/05/16. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick

## PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 1996-2011;

- (4) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; 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. **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;
- (5) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (in accordance with the British Standard on Biodiversity BS 42020:2013) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the



## PLANNING COMMITTEE MINUTES (Continued)

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

- (7) no external lighting or illumination of any part of the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.  
**Reason:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy DAP3 of the Warwick district local Plan 1996-2011 and the aims and objectives of the NPPF;
- (8) 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;
- (9) no development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.  
**Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;
- (10) prior to commencement of the development hereby approved, an environmental noise assessment shall be carried out by a competent person and this assessment together with a scheme detailing the measures

## PLANNING COMMITTEE MINUTES (Continued)

required to mitigate noise in compliance with BS 8233:2014 "Sound Insulation and Noise Reduction in Buildings-code of practice and "World Health Organisation Guidelines For Community noise" shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved measures shall be carried out strictly in accordance with the approved scheme prior to first occupation of the development. Thereafter the mitigation measures shall be maintained in accordance with the approved details. **Reason:** To protect the amenities of future occupiers in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (11) the development hereby permitted shall only be undertaken in strict accordance with details of hard landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities and sustainable drainage of the area in accordance with Policies DP1, DP2, DP3 and DP11 of the Warwick District Local Plan 1996-2011;
- (12) the development shall not be occupied unless and until the car parking, manoeuvring and bin store areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011;
- (13) the development shall not be occupied unless and until visibility splays have been provided to the vehicular access to the site passing

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

through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** To ensure that a satisfactory access is provided and maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and

- (14) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor window(s) to be formed in the side facing elevation of Plot 9 hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

### **38. W/16/0552 – 76 The Fairways, Royal Leamington Spa**

The Committee considered an application from Dr Tse for a two storey side and rear extension.

The application was presented to Committee because of the number of objections received, including an objection from Royal Leamington Spa Town Council.

The officer was of the opinion that the proposal was acceptable in terms of the impact on the street scene, and would not result in significant harm to residential amenity such that a refusal of permission could be sustained. The application was considered to meet the objectives of the Local Plan Policies, together with the Supplementary Planning Guidance and Supplementary Planning Documents listed in the report.

An addendum circulated at the meeting gave details of a further letter from the occupiers of the neighbouring property, reiterating concern that no other property had an overbearing extension and whilst all the houses were different, the view and property lines had been kept intact. They were also concerned that the bulk of the proposed extension would detract from their amenities and make them feel very enclosed.

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

There were also further objections from 74 The Fairways which reiterated the concern regarding a two storey extension and the precedent it would set; harm to residential amenity through overlooking and loss of privacy and the continued concern that this application would lead to the likelihood of an application for multiple occupancy.

Mr Collins addressed the Committee in objection to the application.

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

The Committee therefore

**Resolved** that W/16/0552 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 2016-1551-2; 3B; 4A and 5, and specification contained therein, submitted on 22 March 2016 and 6 April 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from

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

renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (4) 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; and
- (5) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building(s) and tiled dormer(s). All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development and to satisfy the requirements of Policy DAP3 in the Warwick District Local Plan 1996-2011.

### **39. W/16/0656 – Land at Haseley Knob, Haseley**

The Committee considered an application from Mr Tebby for the erection of two dwellings.

The application was presented to Committee because an objection had been received from Beausale, Haseley, Honiley and Wroxall Parish Council.

The officer was of the opinion that the application was appropriate development in the Green Belt and there had been no objection from WCC Highways.

An addendum circulated at the meeting gave details that the Parish Council had reiterated its concerns that this part of the lane was characterised by well-spaced, well set back dwellings and the scheme would create an alien

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

suburban appearance. The Parish Council considered that the development did not represent "limited infilling" and was inappropriate development, contrary to the parish plan. The addendum contained a street view of the scheme that the Parish Council had created.

Councillor Gallagher addressed the Committee as Ward Member in support of the application.

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

The Committee therefore

**Resolved** that W/16/0656 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) PAL.011, PAL.016, PAL.017, PAL.019 and specification contained therein, submitted on 11/04/16 and 06/06/16, except as required by pre-commencement conditions below. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

## PLANNING COMMITTEE MINUTES (Continued)

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

- (4) the development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the south and west side of the development and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- LEDs with low wattage should be used with preference.
  - Yellow filters can be used to reduce the blue spectrum light
  - the brightness of lights should be as low as legally possible;
  - lighting should be timed to provide some dark periods;
  - connections to areas important for foraging should contain unlit stretches.

**Reason:** To ensure that any lighting is designed and appropriate measures are taken in relation to protected species in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and the NPPF;

- (5) the development hereby permitted shall not commence until a detailed schedule of great crested-newt mitigation measures (to include timing of works, protection measures, enhancement details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District local Plan 1996-2011 and the NPPF;
- (6) the development hereby permitted shall only be undertaken in strict accordance with details

## PLANNING COMMITTEE MINUTES (Continued)

of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellings 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;

- (7) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved



## PLANNING COMMITTEE MINUTES (Continued)

scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (8) 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;
- (9) the development shall be timetabled and carried out to wholly accord with the detailed mitigation, compensation and enhancement measures for the safeguarding of protected species within the site as set out in sections 6.2, 6.3 and 6.4 in the document 'Ecological Assessment and Habitat Suitability Assessment' prepared by produced by Udall-Martin Associates and dated March 2014.  
**Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and the NPPF;
- (10) the access to the site for vehicles shall not be used in connection with the development hereby permitted unless and until it has been surfaced with a suitable bound material for its whole length of 7.5 metres as measured from the near edge of the public highway. **Reason:** In the interests of highway safety 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,

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

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; and

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

### **40. W/16/0775 – 5 Inchbrook Road, Kenilworth**

The Committee considered an application from Mr Nielson for outline planning permission for the demolition of 5 Inchbrook Road and the construction of three new dwellings, with access, all other matters reserved.

The application was presented to Committee because an objection had been received from Kenilworth Town Council and over five other public objections had been received.

The officer was of the opinion that the proposed development would not result in adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF, or cause unacceptable harm to access or local ecology. The proposal was therefore considered to comply with the policies listed in the report.

An addendum circulated at the meeting gave details of seven further public objections, and WCC Highways formal consultation response following submission of amended plans. Highways did not object subject to various conditions and informative notes.

The following people addressed the Committee:

- Councillor Illingworth, representing Kenilworth Town Council, in objection to the application;
- Mr Ramus, an architect representing local residents objecting to the application; and
- Mr Cooney, speaking in support of the application.

## PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application should be granted in accordance with the recommendations in the report and the conditions and informative notes required by WCC Highways.

The Committee therefore

**Resolved** that W/16/0775 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) details of the appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **Reason:** To comply with Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended);
- (2) application for approval of the reserved matters shall be made to the local planning authority not later than three years of the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within three years of the date of permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan Neilson/3dwellings/BlockPlan/DC, and specification contained therein, submitted on 16th June 2016. **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;
- (5) the development hereby permitted shall not be commenced unless and until a scheme showing

## PLANNING COMMITTEE MINUTES (Continued)

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

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

- (6) no works shall commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree planting, wild flower meadow creation, bird and bat boxes installation. The agreed scheme shall be fully implemented prior to first occupation. **Reason:** To ensure protection of protected species in accordance with NPPF, ODPM Circular 2005/06;
- (7) the development hereby permitted shall not commence until drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, have been submitted to and approved in writing by the local planning authority. The approved systems shall be implemented prior to first occupation and shall thereafter be retained and managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built

## PLANNING COMMITTEE MINUTES (Continued)

environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;

- (8) the development hereby permitted shall either:
- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
  - b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.
- Reason:** To ensure that protected species are not harmed by the development;

- (9) 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;

- (10) the buildings shall not exceed two-storey in height. **Reason:** To secure a satisfactory form of development that respects this edge of village site within open countryside in accordance with Policies DP1 of the Warwick District Local Plan 1996-2011 and paragraph 58 of the NPPF 2012;

- (11) notwithstanding the provisions of the Town and Country Planning General Permitted  
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## PLANNING COMMITTEE MINUTES (Continued)

Development) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A or E of Part 1 of Schedule 2 of this Order. **Reason:** To retain control over future development in the interests of protecting neighbouring residential amenity and restricting development within the flood zone in accordance with Policies DAP2 and DP11 of the Warwick District Local Plan 1996-2011; and

- (12) conditions and informative notes required by WCC Highways:
1. the development shall not be occupied until the existing vehicular access to the site has been remodelled so as to provide an access of not less than 5 metres for a distance of at least 7.5 metres;
  2. the access to the site for vehicles shall not be used in connection with the development hereby permitted until it has been surfaced with a bound material for a distance of 7.5 metres;
  3. the development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority;
  4. gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway; and
  5. the development shall not be commenced until a turning area has been provided within the site so as to enable the largest anticipated vehicle on site to leave and re-enter the public highway in a forward gear.

Note: Following the conclusion of the meeting, the statement below was circulated:

“Unfortunately, an error in the Committee report has come to light - the report indicated that a previous appeal in respect of an earlier scheme for four dwellings (reference W/05/1172) was allowed when, in fact, that appeal was dismissed. For this reason this item will be brought back for consideration by the Committee on 16 August 2016.”

### **41. W/16/0902 – 13 Newbold Terrace, Royal Leamington Spa**

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

The Committee considered an application from Lewis and Lewis Property Consultants for the demolition of the existing house and the erection of a residential block containing nine apartments.

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

The officer was of the opinion that the proposed development was acceptable in terms of design within this important part of the Conservation Area, and would not result in detrimental harm to the character or appearance of the street scene. Furthermore, it was considered that issues relating to the highway had been resolved by providing adequate off-street parking, and in terms of the impact on neighbours the development would not give rise to significant harm such as to warrant refusal. The application was therefore considered to meet the objectives of the Local Plan Policies and Special Planning Documents listed in the report.

An addendum circulated at the meeting advised that Condition 3 of the proposed development was to be removed, as public open space contributions were only applied to developments of more than ten units and where the floor area exceeded 1,000 square metres. This site did not fall within either of these categories.

A further letter had been received which questioned the differences between this application and that which had been previously refused because the Highway objections did not appear to have been overcome.

Mrs Corkill and Mrs Triggs both addressed the Committee in objection to the application.

The Head of Development Services informed Members that there had been one further letter of objection received that had not been included in either the report or addendum. This letter was from a resident in a neighbouring property and detailed issues arising from the report; in particular, concerns about the height of the building, planning history and how the plans correlated.

The Chairman reminded Members that the issue of ownership of any of the land concerned was not a consideration for the Committee.

The Legal Advisor recommended that Condition 6 should be amended to additionally require implementation of the Construction Management Plan.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Boad that the application should be granted, subject to the removal of Condition 3, the amendment of Condition 6 and an additional condition requiring that no construction commenced until the access had been provided.

The Committee therefore

## PLANNING COMMITTEE MINUTES (Continued)

**Resolved** that W/16/0902 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 1565 20A; 22D; 23C; 24C; 25C; 26C; 27C; 29 and 30, and specification contained therein, submitted on 17 May 2016. **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;
- (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 CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (5) 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), eaves, verges 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



## PLANNING COMMITTEE MINUTES (Continued)

otherwise than in full accordance with such 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;

- (6) no development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority and implemented. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles. **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;
- (7) the development shall be carried out only in full accordance with samples of all the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (8) prior to the demolition of the building, immediately prior, a dawn bat survey shall be undertaken, the results of which shall be reported and submitted to the Local Planning Authority in conjunction with the County Ecologist. The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the building to be demolished. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. **Reason:** To ensure that no protected species are harmed, in accordance with Policy DAP3 in

## PLANNING COMMITTEE MINUTES (Continued)

the Warwick District Local Plan 19956-2011;

- (9) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;
- (10) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011;
- (11) the access to the site shall not be reconstructed/widened in such a manner as to reduce the effective capacity of any drain or

**PLANNING COMMITTEE MINUTES (Continued)**

ditch within the limits of the public highway.

**Reason:** In the interests of highway safety in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011;

- (12) the car parking area shall be laid out and made available prior to the first occupation of the development hereby permitted. The parking areas shall be kept free and maintained as such at all times thereafter in perpetuity.

**Reason:** To ensure that there is adequate off street parking available for the development in accordance with the requirements of Policy DP8 in the Warwick District Local Plan 1996-2011; and

- (13) no construction will commence until the access has been provided.

## PLANNING COMMITTEE MINUTES (Continued)

### 42. **W/16/0912 – 22-24 High Street, Warwick**

The Committee considered an application from Coffee#1 for a change of use from Class A1 (retail) to a coffee shop falling within a mixed use of retail and the sale of food and drink for consumption on or off the premises (A1/A3) (Sui Generis). Additionally, the installation of a replacement shop front formed part of the application.

The application was presented to Committee because a number of objections had been received.

The officer was of the opinion that on balance, the proposed change of use from an A1 use class to a mixed A1/A3 use class (Sui Generis) would not contravene the aims and objectives of Policy TCP4, and was considered acceptable. The development was not considered to affect the amenity of the street scene, Conservation Area or highway safety. The scheme was also not considered to affect residential amenity, however, this was subject to further supporting information and confirmation from the Council's Environmental Health Officer. It was therefore concluded that the development should be granted.

An addendum circulated at the meeting gave details that Warwick Town Council had not made any objections to the application. One email in support of the scheme and 12 further emails with objections had been received. There were details of comments received from a local resident, and also an online petition that had been raised showing ten supporters called "Chain coffee shops! No more!"

The following people addressed the Committee:

- Mr Critchell, speaking against the application; and
- Mr Jones, speaking in support.

Members discussed the practicality of imposing a condition about the retention and disposal of waste and recycling, but under advisement from officers, they decided that this would be a note to the applicant instead.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Mrs Stevens that the application should be granted, with a note to the applicant about the retention and disposal of waste and recycling.

The Committee therefore

**Resolved** that W/16/0912 be **granted** in accordance with the recommendations in the report, subject to the following conditions and note to the applicant:

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

## PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) P2, P4A and specification contained therein, submitted on 18/05/16 and 22/06/16. **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) before the development hereby approved commences details must be submitted to and approved in writing by the Local Planning Authority showing construction materials to be used for the shop front, doors, windows and stall-risers. Thereafter the development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory form of development in accordance with Policies DP1, TCP13 and DAP8 of the Warwick District Local Plan 1996-2011;
- (4) the premises shall be used only as a coffee shop serving coffee, other hot and cold drinks, sandwiches and similar cold or reheated food and light refreshments for consumption on or off the premises and for no other purpose. **Reason:** To protect the primary retail function of the street scene in accordance with Policy TCP4 of the Warwick District Local Plan 1996-2011;
- (5) noise arising from any plant or equipment at these premises, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) measured as LAeq(5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (6) no customers shall be permitted to be on the premises other than between 0700 and 2100 hours on any day and no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents

## PLANNING COMMITTEE MINUTES (Continued)

shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays.

**Reason:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

- (7) a note to the applicant about the retention and disposal of waste and recycling.

The meeting was adjourned for 15 minutes at 8.15 pm.

### 43. **W/16/0708 LB – 24 Saltisford, Warwick**

The Committee considered an application for listed building consent from Mr Butler for the removal of the existing ceiling and roof from the kitchen and the installation of two conservation style roof lights; the installation of a multi fuel burner; replacement of doors to three rooms and the replacement of the existing balustrade and newel in accordance with a detailed description entitled "Section 3: Description of Proposed Works" submitted on 19 April 2016.

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

The Development Manager informed the Committee that the report should have stated that this application was for listed building consent, not planning permission.

The officer was of the opinion that the external and internal alterations and additions were considered sensitive to the original Listed Building, its fabric and significance, and therefore works were recommended for approval by the Planning Committee.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that listed building consent should be granted.

The Committee therefore

**Resolved** that W/16/0708 LB be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the works hereby permitted shall begin not later than three years from the date of this consent. **Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the

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

details shown on the site location plan and approved drawings 717-01, 717-02, GGL-EDJ-01141103 and documents submitted beginning 'Kitchen roof 1' and specification contained therein, submitted on 19th April 2016.

**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.

### **44. W/16/0793 – The Limes, 21 Guys Cliffe Avenue, Royal Leamington Spa**

The Committee considered an application from Housestyle Countrywide Limited for the demolition of the existing dwelling and construction of six apartments and one town house with associated parking.

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

The officer was of the opinion that the proposal was acceptable and would not result in substantial harm to nearby residents or to the character and appearance of the street scene. It was considered that the application met the objectives of the Local Plan Policies and Supplementary Planning Documents listed in the report.

An addendum circulated at the meeting gave details of a letter received on behalf of all residents which summarised their objections. A further letter had been received which confirmed that 41 local residents had objected, and this concentrated on parking and safety. Another letter from the community stated that this development was clearly "garden grabbing", which was at odds with the guidance regarding brownfield land. Concerns were raised regarding overlooking into gardens from the ground, first and second floor windows. It was also stated that the density significantly exceeded the area, and the underground parking was inconvenient and would cause a danger to safety, especially to school children.

A motion to refuse the application was defeated following the Chairman using his casting vote on a vote of five votes all and one abstention.

The Legal Advisor recommended that Condition 6 should be amended to additionally require implementation of the Construction Management Plan.

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Cooke and seconded by Councillor Mrs Bunker that the application should be granted, with the amendment to Condition 6 additionally requiring implementation of the Construction Management Plan.

## PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

**Resolved** that W/16/0793 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 250D; 451C; 1 (tree protection measures); 115A 450E and 251E and specification contained therein, submitted on 28 April 2016; 3 June 2016 and 1 July 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) 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;

- (5) samples of the 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 constructional 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 Policy DP1 of the Warwick District Local Plan 1996-2011;

- (6) no development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority and implemented. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles. **Reason:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;

- (7) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (8) no part of the development hereby permitted shall be commenced until a scheme for the provision of at least 2 bat boxes, bricks or access tiles to be erected on trees or buildings within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **Reason:** In accordance with the NPPF, ODPM Circular 2005/06 and to meet the objectives of Policy DAP3 in the Warwick District Local Plan 1996-2011;
- (9) the development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (10) the development shall not be occupied until the existing vehicular access to the site has been

## PLANNING COMMITTEE MINUTES (Continued)

widened/remodelled so as to provide an access of not less than 5 metres in width, for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **Reason:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;

- (11) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **Reason:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (12) the access to the site shall not be constructed/reconstructed/widened 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 and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (13) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (14) gates/barriers/doors erected at the entrance to the site for vehicles shall not be hung so as to open to within 6 metres of the near edge of the public highway carriageway. **Reason:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (15) prior to the first occupation of the development hereby permitted the car parking area shown on drawing number 250D shall be laid out and

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

made available and retained as such at all times thereafter. **Reason:** To ensure that adequate parking facilities are made available for the development, in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011; and

- (16) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the potential access features identified in the report entitled 'Preliminary Ecological Appraisal for Bats The Limes, Leamington' produced by Dr. Stefan Bodnar and dated October 2015. All roofing material around these features is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DAP3 in the Warwick District Local Plan 1996-2011.

### **45. W/16/0846 – 20 Strathearn Road, Royal Leamington Spa**

The Committee considered an application from Mr Elliott for the erection of a pitched roof rear dormer and the installation of two roof lights.

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

The officer was of the opinion that the proposed pitched roof rear facing dormer and installation of roof lights were acceptable and would not cause harm to neighbouring residential amenity, the application property or wider views of the Conservation Area. The proposal was considered to comply with the policies listed in the report and should therefore be approved.

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

## PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

**Resolved** that W/16/0846 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 15352 - 02 Rev B, and specification contained therein, submitted on 27th June 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

### 46. **Land at Common Lane – Kenilworth – Variation of Section 106 Agreement**

This item was withdrawn from the agenda prior to the meeting.

### 47. **Planning Appeals Report**

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

**Resolved** that the report be noted.

(The meeting ended at 9.15pm)