

Planning Committee

Minutes of the meeting held on Tuesday 30 January 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Committee Services Officer – Mrs Dury; Legal Advisor – Mrs Amphlett; Head of Development Services – Mrs Darke; and Senior Planning Officer – Ms Hammond; Policy & Projects Manager – Mr Barber (observing only).

143. Apologies and Substitutes

There were no apologies or substitutions made.

144. Declarations of Interest

Minute Number 150– W/17/2086 – Land on the corner of Red Lane/Hob Lane, Burton Green

Councillor Mrs Bunker declared an interest because she knew one of the speakers. She realised this after the person had spoken and declared the interest when applications W/17/2084 and W/17/2127/LB were being considered.

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

Minute Number 155 – W/17/2265 to W/17/2268 – Tesco, Emscote Road, Warwick

Councillor D'Arcy declared an interest because the application site was in her Ward and she lived in the vicinity.

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

Minute Number 156– W/17/2288 – 26-28 High Street, Warwick

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

145. Site Visits

There were no site visits made.

146. Minutes

The minutes of the meeting held on 9 January 2018 were taken as read and signed by the Chairman as a correct record.



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147. **W/17/2253 – 34 St Fremund Way, Whitnash**

The Committee considered an application from Mr Sandha for a change of use from dwelling house (use Class C3) to a five bed house in multiple occupation (HMO) (use Class C4).

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

The officer was of the opinion that the proposed change of use to an HMO within this area adhered to the criteria set out within Local Plan Policy H6. There would be no material harm to nearby uses or residents as a result of the proposal and the parking arrangements were considered to be acceptable. Adequate waste storage was already provided and therefore the application should be granted.

An addendum circulated at the meeting advised that Warwickshire County Council Highways had not objected to the proposals.

The following people addressed the Committee:

- Councillor Knight, representing Royal Leamington Spa Town Council, which objected to the application;
- Mr MacKay, representing the objections of a number of residents in the area;
- Mr Thomas, objecting to the application; and
- Councillor Barrott, Ward Member, speaking in objection to the application.

The main concern of the people who addressed the Committee was insufficient parking, but Planning Committee Members noted that Warwickshire County Council Highways Department had not objected to the proposals.

The Head of Development Services suggested that Members might be minded to agree a condition that ensured the garage was used for parking. This, together with the parking space outside the property would ensure a minimum of two parking spaces; possibly three.

A motion proposed by Councillor Weed, and seconded by Councillor D'Arcy, to refuse the application was defeated.

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 Mrs Stevens that the application should be granted with an additional condition ensuring the garage was retained for parking

The Committee therefore

Resolved that W/17/2253 be **granted** in accordance with the recommendations in the report, subject to the following conditions:



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- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 'site plan' and 'floor plan' and the specification contained therein, submitted on 4th December 2017 and the 15th January 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE3 of the Warwick District Local Plan 2011-2029; and
- (3) the garage is retained for parking.

148. W/17/1724 – Land at Meadow House / Kingswood Farm, Lapworth

The Committee considered an application from A C Lloyd Homes, Mr and Mrs M Guest and Mr and Mrs G Bull for a development of 38 residential dwellings, together with associated access, parking, open space and landscaping.

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

The officer was of the opinion that the development of this allocated site (H29/H30) for the construction of 38 dwellings, together with the associated works, mainly including the significant provision of on-site open space together with landscaping improvements, was considered to be acceptable in principle in accordance with Local Plan Policies DS11 and H10.

The proposals would be acceptable in terms of their impacts on the living conditions of neighbouring dwellings whilst also providing a high quality living environment for future occupants. The proposals would also be visually acceptable without impacting on the character and appearance of the area, the setting of a nearby heritage asset and the setting of the adjacent Grand Union canal and towpath. Additionally, the proposals were considered to be acceptable in terms of car parking and highway safety.

The proposals were considered, on balance, to have acceptable ecological and archaeological impacts and there were a number of necessary and relevant conditions recommended in the event permission was forthcoming which would ensure that any possible impacts of the development were adequately mitigated. Overall, there would be no additional harm arising from the increased number of dwellings proposed over the allocation and officers considered the development accorded with all relevant provisions of the Development Plan and for these reasons, it was recommended that planning permission should be granted..

PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated at the meeting advised that further comments had been received from:

- Warwickshire County Council Highways with comments specifically in relation to the increased number of dwellings proposed over and above the allocation (+8 units). There was no objection to the increased number; and
- Warwick District Council Cultural Services which requested financial contributions for indoor sports facilities (£31,831) and outdoor sports facilities (£2,724).

The addendum also advised further clarifications on the officer's report:

- Condition 2 – updated drawing numbers to 3083-01 Rev.A and 3083-117 Rev.B both received on 15 September 2017;
- Condition 6 – wording corrected to reflect the recommendations of the Lead Local Flood Authority (LLFA); surface water drainage to be submitted and approved in writing by the Local Planning Authority prior to the commencement of development on site;
- in relation to the affordable housing proposed, the total number of affordable units was 15 which equated to 40% of the total 38 units proposed; and
- the Section 106 agreement would contain a clause to ensure that, should elements of its requirements subsequently be funded by the Community Infrastructure Levy (CIL), the developer would not be required to pay that contribution twice through both the S106 Agreement and CIL.

Members were advised that, subsequent to publishing the addendum, a late submission had been received from the Council's Open Space Team, which had requested a financial contribution towards the improvement of the existing play area in the village.

The following people addressed the Committee:

- Councillor Henderson, representing Rowington Parish Council, which opposed the proposals for 38 units and felt this number should be reduced to a maximum of 20;
- Mr O'Donnell, in opposition to the proposals;
- Mr Green, who represented the applicant; and
- Councillor Gallagher, Ward Member, who supported the proposals.

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

The Committee therefore



PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/17/1724 be **granted** in accordance with the recommendations in the report, subject to the conditions laid out below and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, sustainable travel packs, health care, improvements to public rights of way, indoor sports facilities, outdoor sports facilities and for the improvement of the existing play area in the village.

Should a satisfactory Section 106 Agreement not have been completed by 27 February 2018, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

- (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 01, 3083-01 Rev.A, 3083-110 Rev.B, 3083-111 Rev.B, 3083-112 Rev.B, 3083-113 Rev.B, 3083-114 Rev.B, 3083-115 Rev.C, 3083-117 Rev.B, 3083-119 Rev.B, 3083-120 Rev.C, 3083-123 Rev.D, 3083-126 Rev.E, 3083-128 Rev.E, 3083-130 Rev. D, 3083-135, 3083-136 and 3083-137 and specification contained therein, submitted on 15 September 2017, revised drawings 3083-116 Rev.E, 3083-118 Rev.D, 3083-121 Rev.D, 3083-122 Rev.F, 3083-124 Rev.D, 3083-125 Rev.F, 3083-127 Rev.F, 3083-129 Rev.F, 3083-132 Rev.A, 3083-133 Rev.A and 3083-138 Rev.A and specification contained therein, submitted on 5 December 2017, revised drawings 3083-05 Rev.E, 3083-06 Rev.R and 3083-08 Rev.C and specification contained therein, submitted on 10 January 2018 and revised drawing 02 Rev.O and specification contained therein, submitted on 16 January 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) other than site clearance and preparation works no works shall commence on the construction of the development hereby

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permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (4) no part of the development hereby permitted shall commence until details of both hard and soft landscaping works 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 any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates); footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted.

Notwithstanding the details illustrated on the revised landscaping masterplan drg. no. 02 Rev.O, submitted on 11 January 2018, details of soft landscaping works shall include further details of boundary treatments including the enhancement and protection of the canal side hedges, particularly along the eastern and southern boundaries of the site. 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 the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and additionally in

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the interests of minimising the visual impact of the development on the canals and protecting and enhancing the character, appearance and biodiversity interest of the waterway corridor in accordance with Policies BE1, BE3, NE4 and NE7 of the Warwick District Local Plan 2011-2029;

- (5) no part of the development hereby permitted shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The Construction Management Plan shall include a Construction Phasing Plan; details to prevent mud and debris passing onto the public highway; and HGV Routing Plan. The development shall thereafter be carried out strictly in accordance with these approved details. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (6) No development and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Where flooding occurs onsite to store the 1 in 100 year climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system. Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe Hazard mapping may be required to ensure the development remains safe to users of the site.
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system,

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and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) 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 protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (8) 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

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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, tree/hedgerow planting and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;

- (9) 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 District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.
Reason: To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (10) 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 District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted on the boundaries of the site, the proposed tussocky grassland in the south of the site, at the location of proposed bat boxes/tubes and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and to other nocturnal wildlife. This could be achieved in the following

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ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- 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 protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (11) the development hereby permitted shall not commence 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 in strict accordance with the approved details. **Reason:** In the interests of fire safety;
- (12) no part of the development hereby permitted shall take place until a Method Statement for surveying the existing condition of the ditch along the southern boundary of the site and setting out measures for how this watercourse will be kept clear before, during and after the construction works, together with a timetable for undertaking all such works, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall be implemented as approved and development shall thereafter only be carried out in accordance with the agreed Method Statement. **Reason:** In the interests of minimising the risk of creating land instability arising from the blockage of this ditch and the resultant potential for the instability of the canal embankment adjacent to the southern boundary of the application site, in accordance with Policy NE7 of the Warwick District Local Plan 2011-2029 and paragraphs 120-121 of the National Planning Policy Framework;
- (13) no part of the development hereby permitted shall take place until a Method Statement detailing all proposals for the alteration of ground levels within Plots 19 to 36 (inclusive)

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and the location on site for the storage of excavations, top soil and materials during construction works, has first been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the agreed Method Statement. **Reason:** In the interests of minimising the risk of creating land instability arising from any adverse impacts from earthmoving, excavations or other construction works upon the stability of the canal embankments adjacent to the southern and eastern boundaries of the application site, in accordance with Policy NE7 of the Warwick District Local Plan 2011-2029 and paragraphs 120-121 of the National Planning Policy Framework;

(14) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

(15) the development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) *Land off Old Warwick Road, Lapworth_ACLloyd_Ref.040032/1 Rev A_October 2017* and in particular the following mitigation measures detailed within the FRA:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 6.4 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the FRA of 440m³ and/ or in accordance with 'Science Report SC030219 Rainfall Management for Developments'.
- Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.

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The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme. **Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (16) prior to the first occupation of the development hereby permitted, the access arrangements shall be implemented, constructed and laid out in accordance with drawing no. 18183-03 Rev. B contained within the Transport Statement prepared by David Tucker Associates. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and
- (17) notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no development falling within Schedule 2, Part 1, Classes A, E or F; or Schedule 2, Part 2, Class A shall be carried out within Plots 19-36 (inclusive) as identified on the approved plans unless express planning permission for such development has first been granted by the Local Planning Authority. **Reason:** To enable the Local Planning Authority to assess the impact of such proposals on the stability of the canal embankment along the eastern and southern boundaries of the application site in the interests of minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction works, in accordance with Policy NE7 of the Warwick District Local Plan 2011-2029 and paragraphs 120-121 of the National Planning Policy Framework.

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149. **W/17/2025 – Merlin House, Firs Lane, Haseley, Warwick**

The Committee considered an application from Mr and Mrs Runacres for the erection of an oak framed timber garage and log store.

The application was presented to Committee because officers had recommended this application for refusal but Beausale, Haseley, Honiley & Wroxall Parish Council supported the application.

The officer was of the opinion that the proposed outbuilding and store was inappropriate development within the Green Belt, which was harmful by definition to its openness. No very special circumstances had been presented which outweighed this harm. Therefore the application was recommended for refusal.

An addendum circulated at the meeting advised that further supporting information had been received from the applicant which was forwarded by email to all Planning Committee Members on 30 January 2018 upon their request.

The following people addressed the Committee:

- Councillor Gee, representing Beausale, Haseley, Honiley & Wroxall Parish Council, which supported the proposals;
- Mr Runacres, the applicant; and
- Councillor Gallagher, Ward Member, who supported the application.

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

The Committee therefore

Resolved that W/17/2025 be **refused** in accordance with the recommendations in the report, for the following reason:

- (1) the site is situated within the Green Belt and the NPPF states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against inappropriate development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the Guidance and, in the Planning Authority's view, very special circumstances sufficient to justify departing from this Guidance have not been demonstrated. The proposals are therefore contrary to the NPPF and Policy DS18 of the Warwick District Local Plan 2011-2029.

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150. **W/17/2086 – Land on corner of Red Lane / Hob Lane, Burton Green**

The Committee considered an application from CALA Homes (Midlands) Limited for the erection of 90 dwellings and the provision of vehicular and pedestrian access plus all other associated infrastructure and enabling works including village green, playing field and drop off/pick up point for the adjoining primary school.

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

The officer was of the opinion that the development of this allocated site (H24) for the construction of 90 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces, playing field/village green and a school pick up and drop off area, was considered to be acceptable in principle in accordance with Local Plan Policy DS11.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area and would not materially harm the setting of a nearby heritage asset. Additionally, the proposals were considered to be acceptable in terms of car parking and highway safety. Furthermore, the proposals were considered to be acceptable in ecological and archaeological terms and there were a number of necessary and relevant conditions recommended in the event permission was forthcoming which would ensure that any possible impacts of the development were adequately mitigated.

Overall, the development was considered to accord with all relevant provisions of the Development Plan and for these reasons, it was therefore recommended that planning permission should be granted.

An addendum circulated at the meeting advised that additional consultation responses had been received from:

- Warwickshire County Council's Infrastructure Team, which requested financial contributions for Education (£693,654) and Libraries (£1,754);
- Warwick District Council Cultural Services, which requested financial contributions for indoor sports facilities (£74,035) and outdoor sports facilities (£6,336); and
- Severn Trent Water which did not object to the application subject to a drainage condition.

The addendum also advised that five letters of objection had been received from three individuals raising concerns about the excessive number of dwellings, the overdevelopment of the site and that there should be fewer and larger dwellings with increased open space.

PLANNING COMMITTEE MINUTES (Continued)

There were also three letters detailed of general comment raising the following points:

- the parking for the school was welcomed although there was concern at the possibility of it being used as additional residents' parking;
- the inclusion of a playing field was welcomed although it appeared quite small; this area should also be secured when children were present; and
- there was some concern about trees and lines of sight around the playing field.

One letter of support had been received raising the following points:

- CALA build houses that complement existing developments;
- With Government drives to support infrastructure, Burton Green should see improvements to the surrounding road networks; and
- there was a need for new homes to be delivered.

The addendum also advised certain clarifications to the officer's report:

- in relation to the affordable housing proposed, the total number of affordable units was 36 which equated to 40% of the total 90 units proposed; and
- the Section 106 Agreement would contain a clause to ensure that should elements of its requirements subsequently be funded by CIL, the developer would not be required to pay that contribution twice through both the S106 agreement and CIL.

Members were advised that subsequent to publishing the addendum, officers proposed that a condition be set to require the applicant to provide details of school pick up and drop off zones.

The following people addressed the Committee:

- Councillor Green, representing Burton Green Parish Council, which objected to the proposals;
- Mr Stanworth, a local resident who opposed the proposals; and
- Mr Deakin, who represented the applicant.

Members agreed that a condition could be set for agreeing a scheme for landscaping along the southern side of the development. They also felt it would be appropriate to authorise officers, in liaison with the Chairman, to discuss and agree with the applicant the positioning of the affordable housing to ensure it was distributed more evenly across the site. Mr Deakin confirmed to the Chairman that the applicant would be content to discuss the positioning of the affordable housing with officers.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was

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proposed by Councillor Day and seconded by Councillor Boad that the application should be granted.

The Committee therefore

Resolved that W/17/2086 be **granted** in accordance with the recommendations in the report, subject to the conditions laid out below and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to highways infrastructure, open space, improvements to public rights of way, affordable housing, Education, indoor sports facilities and outdoor sports facilities.

Should a satisfactory Section 106 Agreement not have been completed by 21 March 2018, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

Authority is delegated to officers in liaison with the Chairman of Planning Committee to discuss and agree with the applicant the positioning of the affordable housing to ensure it is distributed more evenly across the site.

- (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 1711-PL1-03 Rev.C, 1711-PL1-04 Rev.D, 1711-PL1-05 Rev.C, 1711-PL1-06 Rev.C, 1711-PL1-07 Rev.C, 1711-PL1-08, P0018 Rev.B, J32-2718-PS-101, J32-2718-PS-102, J32-2718-PS-103, J32-2718-PS-104, J32-2718-PS-106, J32-2718-PS-107, J32-2718-PS-108, J32-2718-PS-109, P0003 (Co) Rev.A, P0004 (Co) Rev.A, P0005 (Co) Rev.A, P0007 (Co) Rev.A, P0010 (Co) Rev.A, P0011 (Co) Rev.A, P0012 (Co) Rev.A, P0014 (Co) Rev.A, P0015 (Co) Rev.B, P0016 (Co) Rev.A, P0017 (Co) Rev.A, P0020 Rev 00, P0021 Rev 00 and P0022 Rev 00 and specification contained therein, submitted on 6 November 2017, revised drawing 1711-PL-02 Rev.E submitted on 6 December 2017, revised drawing 22438_02_SK_01 submitted on 12 December 2017, revised drawing P0019 Rev.D submitted

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on 15 December 2017 and revised drawings P0002 Rev.J and P0001 submitted on 20 December 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (3) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, *Land off Hob Lane, Burton Green, Kenilworth_M-EC_October 2017_22438/05-17/4905 RevB* and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 6.9 l/s for the site.
 - Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system,

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and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show an agreement from Highways to connect to the existing surface water network.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

- (5) no development hereby permitted shall take place until a condition survey of the culvert at the proposed outfall has been submitted to and approved by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and ensure the downstream drainage system is able to accept flows from the development site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

- (6) 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:

- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during

PLANNING COMMITTEE MINUTES (Continued)

- construction
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 - Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not commence until a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance

PLANNING COMMITTEE MINUTES (Continued)

with the approved details and shall be retained thereafter. **Reason:** To ensure that occupants of the development are not adversely affected by traffic and commercial noise, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (8) no part of the development hereby permitted shall commence until:
- 1.(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - A risk assessment to be undertaken relating to human health
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
 - An appropriate gas risk assessment to be undertaken
 - Refinement of the conceptual model
 - The development of a method statement detailing the remediation requirements
 - (b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.
 - (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the planning authority prior to the remediation being carried out on the site.
2. All development of the site shall accord with the approved method statement.
3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the

PLANNING COMMITTEE MINUTES (Continued)

method statement must detail how this unsuspected contamination shall be deal with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To ensure the protection of controlled waters and to prevent pollution in accordance with Policy NE5 in the Warwick District Local Plan 2011-2029;

- (9) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) 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 protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (10) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands, tree/hedgerow planting and provision of habitat for protected species. Such approved

PLANNING COMMITTEE MINUTES (Continued)

measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;

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

Reason: To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (12) 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 District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted on the boundaries of the site, the proposed tussocky grassland in the south of the site, at the location of proposed bat boxes/tubes and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and to other nocturnal wildlife. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible

PLANNING COMMITTEE MINUTES (Continued)

- Lighting should be timed to provide some dark periods
- Connections to areas important for foraging should contain unlit stretches

Reason: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (13) no development shall take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
 - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.
 - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

- (14) the development hereby permitted shall not commence 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 in strict accordance with the approved details. **Reason:**

PLANNING COMMITTEE MINUTES (Continued)

In the interests of fire safety;

- (15) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (16) the development shall not be occupied until the public highways at Hob Lane and Red Lane have been improved so as to provide for Pedestrian connectivity to the surrounding footpath network in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (17) access for vehicles to the site from the public highway at Hob Lane and Red Lane shall not be made other than at the position identified on the submitted drawing number 16747 P0002 rev J. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (18) the accesses to the site for vehicles shall not be used unless bellmouths have been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (19) the layout of the estate roads serving the development, including footways, verges and private drives shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (20) the construction of the estate roads serving the development, including footways and verges, shall not be other than in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (21) an agreed scheme for landscaping along the southern side of the development; and
- (22) details of school pick up and drop off zones must be provided and agreed.

The Chairman adjourned the meeting at 8.15pm for 15 minutes.

151. **W/17/2084 – Kites Nest Farm, Beausale**

The Committee considered an application from Medwell Hyde Property Solutions for a proposed conversion of barns and outbuildings to provide three dwellings.

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

The officer was of the opinion that the principle of converting these barns to provide three dwellings was acceptable in accordance with Policies H1 and BE4 of the Warwick District Local Plan 2011-2029. It was considered the visual impacts of the development would be acceptable and, following the submission of revised plans dealing with some fenestration and other design changes, the resulting impact was acceptable and accorded with the Council's guidance on converting rural buildings and barns. The impact on neighbouring amenity was acceptable and there would be adequate levels of amenity for future occupants of the barns. There would be no detriment to highway safety as a result of the scheme and sufficient parking was provided for the number of dwellings proposed. The impacts in respect of ecology and archaeology were acceptable subject to conditions and for all these reasons it was recommended that planning permission should be approved.

Councillor Gee, representing Beausale, Haseley, Honiley & Wroxall Parish Council which objected to the proposals, addressed the Committee.

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

The Committee therefore

Resolved that W/17/2084 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 7 November 2017 and approved drawings 5066/11 D, 5066/12 A, 5066/18 B and 5066/19 A and specification contained therein, submitted on 15 January 2018.
Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure a high standard of design and appearance for these curtilage listed buildings, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;
- (5) no part of the development hereby permitted shall commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatments, including full details of any proposed boundary walls,

PLANNING COMMITTEE MINUTES (Continued)

railings and gates to be erected to sub-divide plots as well as any proposed around the perimeter boundary of the site, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (6) the development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been completed in consultation with a suitably qualified bat worker and submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (7) 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; or
 - b.) Not commence until a qualified ecologist

PLANNING COMMITTEE MINUTES (Continued)

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 in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (8) no part of the development hereby permitted shall be commenced until a scheme for the provision of nesting platforms/boxes for barn owls to be incorporated into the scheme (or in a nearby tree), has been submitted to and approved in writing by the District Planning Authority. Thereafter, the platforms/boxes shall be installed and maintained in perpetuity. **Reason:** To ensure protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (9) no part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes for swallows to be erected on the building 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 box(es) shall be installed and maintained in perpetuity. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (10) 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 District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted on the new bat loft and to be kept to a minimum at night

PLANNING COMMITTEE MINUTES (Continued)

across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- 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 protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (11) 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 HS4 of the Warwick District Local Plan 2011-2029:

(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 in strict accordance with the approved details.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy HS4 of the Warwick District Plan 2011-2029;

- (12) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in

PLANNING COMMITTEE MINUTES (Continued)

accordance with Policy NE5 of the Warwick District Local Plan;

- (13) the access to the site shall not be used until it has been widened 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 interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and

- (14) 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 TR1 of the Warwick District Local Plan 2011-2029.

152. **W/17/2127/LB – Kites Nest Farm, Beausale**

The Committee considered an application for listed building consent from Medwell Hyde Property Solutions for the proposed conversion of barns and outbuildings to provide three dwellings.

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

The officer was of the opinion that the principle of the proposed works, to convert the barns into three dwellings was considered acceptable in heritage terms, subject to there being no material harm to the special architectural or historic interest, integrity or setting of the listed building. Through the submission of revised plans dealing with the fenestration and detailing of each barn, the proposals overall were considered to be acceptable. Accordingly, it was recommended that listed building consent should be approved.

Councillor Gee, representing Beausale, Haseley, Honiley & Wroxall Parish Council which objected to the proposals, addressed the Committee.

Members felt that the proposals preserved buildings in the Green Belt which would not have another use, so meeting the very special circumstances criteria.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Heath and seconded by Councillor Mrs Bunker that the listed building consent should be approved.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/17/2127/LB be **approved** 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);
- (2) the works hereby approved shall be carried out strictly in accordance with the details shown on the site location plan submitted on 7 November 2017 and approved drawings 5066/11 D, 5066/12 A, 5066/18 B and 5066/19 A and specification contained therein, submitted on 15 January 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of works for these curtilage listed buildings in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029;
- (3) other than site clearance and preparation works no works shall commence on the construction of the works hereby approved until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory standard of works and external appearance for these curtilage listed buildings in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029; and
- (4) no works shall be carried out on the site which is the subject of this consent 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 Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure a high standard of design and appearance for these curtilage listed buildings, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

153. W/14/0967 – Land North of Gallows Hill, Warwick

The Committee agreed that this application relating to proposed revisions to a Section 106 Agreement should be withdrawn from the agenda because work was still ongoing and therefore the officer's report had not been completed.

Resolved that planning application W/14/0967 – Land North of Gallows Hill, Warwick be withdrawn from the agenda because work is still ongoing and the officer's report has not been completed.

154. W/15/0646 – Opus 40, Birmingham Road, Warwick

The Committee considered an application from Taylor Wimpey Midlands for the variation of a Section 106 Agreement in relation to the provision of additional land to Warwickshire County Council for the A46 Stanks Island improvements.

Planning permission for the erection of 85 dwellings, access roads and associated development was granted on 27 July 2015 and was subject to a Section 106 Agreement which imposed a range of obligations on the developer.

The officer was of the opinion that the Deed of Variation was necessary to allow the A46 Stanks Island scheme to progress. The changes only related to the parts of the agreement that related to the Stanks Island scheme. The other parts of the agreement, including all of the financial contributions, would remain unchanged. Therefore, it had been concluded that the proposed changes would not prejudice any of the issues that had been considered in drawing up the original agreement, and nor would they impact on any of the other material considerations that had been considered in the assessment of the application. Therefore, it was recommended that the proposed variation should be agreed.

Following consideration of the report and presentation, it was proposed by Councillor Edgington and seconded by Councillor Mrs Bunker that the variation of the Section 106 Agreement should be authorised.

The Committee therefore

Resolved that the variation as necessary of the Section 106 agreement for application W/15/0646 be **authorised** in accordance with the recommendations in the report, in order to:

- (1) alter the land to be transferred to Warwickshire County Council and adopted as highway; and
- (2) set out how Warwickshire County Council will carry out works within the land of the developers.

PLANNING COMMITTEE MINUTES (Continued)

155. W/17/2265; W/17/2266; W/17/2267; and W/17/2268 – Tesco, Emscote Road, Warwick

The Chairman and Committee agreed to consider four applications from McDonald's Restaurants Limited all together. These applications were presented to the Committee because an objection on each of them had been received from Warwick Town Council.

The proposals for each application were as follows:

- W/17/2265 was for the display of seven internally illuminated fascia signs;
- W/17/2266 was for the display of five non-illuminated directional signs for "click and collect" service;
- W/17/2267 was for the display of one internally illuminated freestanding 6.5m high totem sign, one non-illuminated banner sign, one internally illuminated directional sign and new appendage to the existing totem sign; and
- W/17/2268 was for the display of various internally illuminated and non-illuminated signage including 12 freestanding signs, one side by side directional sign, one banner unit and 22 dot signs.

The officer was of the opinion that the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals were therefore considered to comply with the policies listed.

The Head of Development Services informed Members that in respect of W/17/2268, dot signs did not require planning consent, so whilst these had been mentioned in the application, they were not for discussion.

An addendum circulated at the meeting advised that Warwick Town Council had confirmed its position that it still wished to object to the proposed signage as although it was not positioned adjacent to the highway, they remained visible in the surrounding area.

A motion proposed by Councillor Morris and seconded by Councillor Edgington to defer consideration of W/17/2265, W/17/2267 and W/17/2268 until such time as the Council received the planning application for the building was later withdrawn by both Councillors.

Members then decided to consider each application in turn:

W/17/2265 - Tesco, Emscote Road, Warwick

Members had concerns because the area was residential and so the lighting from the signage would be visible. They also felt that without details of the building, there was no context to consider the signs in conjunction with the building in which they would sit.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Morris and seconded by Councillor Mrs Bunker that advertisement consent should be deferred.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/17/2265 advertisement consent be **deferred** because there was no context to consider the signage in conjunction with the building in which they would sit.

W/17/2266 - Tesco, Emscote Road, Warwick

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Morris and seconded by Councillor Edgington that advertisement consent should be granted.

The Committee therefore

Resolved that W/17/2266 advertisement consent be **granted** in accordance with the recommendations in the report, subject to the five standard conditions set out in the Advertisement Regulations and:

- (6) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 7159-SA-8469-P018 B, and specification contained therein, submitted on 30th November 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

W/17/2267 – Tesco, Emscote Road, Warwick

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Boad and seconded by Councillor Day that advertisement consent should be refused.

The Committee therefore

Resolved that W/17/2267 advertisement consent be **refused** contrary to the recommendations in the report, because of the proliferation of the signs which impact on visual amenity.

W/17/2268 – Tesco, Emscote Road, Warwick

Members were reminded that they were not considering the dot signs, which did not required planning consent.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Morris and seconded by Councillor Mrs Bunker that advertisement consent should be refused.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/17/2268 advertisement consent be **refused** contrary to the recommendations in the report, because of the proliferation of the signs which impact on visual amenity.

156. **W/17/2288 – 26-28 High Street, Warwick**

The Committee considered an application from Jack and Alice for a change of use from bank (use Class A2) to coffee shop/café (use Class A3).

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

The officer was of the opinion that the proposed change of use from use Class A2 to A3 would not contravene the aims and objectives of Policy TC6 and was considered acceptable. The development was not considered to affect the amenity of the street scene, adjacent listed building, Conservation Area, highway safety or residential amenity. It was therefore concluded that the development should be granted.

An addendum circulated at the meeting advised that the Conservation Area Forum (CAF) had not objected to the proposals and two additional comments had been received from the public in support of the application.

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

The Committee therefore

Resolved that W/17/2288 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) site plans to scale 1:200 and specification contained therein, submitted on 05/12/17 and 15/12/17. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) no deliveries, waste collections or other noisy

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external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **Reason:** To 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 BE3 of the Warwick District Local Plan 2011-2029; and

- (4) noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 of the Warwick District Local Plan 2011-2029.

157. **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 9.50pm)

Signature Redacted

CHAIR
27 March 2018