

# Planning Committee

Minutes of the meeting held on Tuesday 19 June 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillors Barrott, Boad, Mrs Bunker, Cooke, Day, Edgington, Mrs Falp, Mrs Hill, Morris, Mrs Stevens and Weed.

**Also Present:** Senior Committee Services Officer – Mrs Barnes; Legal Advisor – Mrs Gutteridge; Development Services Manager – Mr Fisher; Business Manager - Development Management - Mr Sahota; and Business Manager – Policy & Projects – Mr Butler.

Visitors: Mr Simm and Mr Pilcher – Warwickshire County Council (WCC) Highways, Mr Seddon – Head of Transport & Innovation on behalf of Coventry City Council, Ms Neale – WCC.

## 21. Apologies and Substitutes

Councillor Mrs Falp substituted for Councillor Heath.

## 22. Declarations of Interest

Minute Number 25 – W/17/2357 – Land to the South of Westwood Heath Road, Burton Green

Councillor Mrs Falp declared an interest because she was a Warwickshire County Councillor and there were a number of representatives present from the Authority.

Minute Number 28 – W/18/0803 – 17 Gaveston Road, Royal Leamington Spa

During the course of the meeting, Councillor Barrott declared an interest because one of his relatives worked at the school located near to the application site.

Minute Number 29 – W/18/0434 – 6 Parsonage Close, Bishops Tachbrook

Councillor Day declared an interest because he was the Ward Councillor, and the applicant and a number the residents who had commented were known to him. He did feel that he was able to remain open minded.

Minute Number 35 – W/18/0854 – 17 Cobden Avenue, Royal Leamington Spa

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

## 23. Site Visits

To assist with decision making, Councillors Barrott, Boad, Mrs Bunker, Cooke, Edgington, Mrs Falp, Mrs Hill, Morris, Mrs Stevens and Weed visited the following application sites on Saturday 16 June 2018:

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

W/18/0570 – 1 Bell Tower Mews, Woodcote Road, Royal Leamington Spa;  
W/18/0632 & W/18/0633 LB – Abbey Farm, Ashow;  
W/17/2357 – Land at Westwood Heath Road, Westwood Heath; and  
W/18/0434 – 6 Parsonage Close, Bishop's Tachbrook.

### **24. Minutes**

The minutes of the meetings held on 22 May 2018 were agreed and signed by the Chairman as a correct record.

### **25. W/17/2357 – Land to the South of Westwood Heath Road, Burton Green**

The Committee considered a hybrid application from Crest Nicholson Operation Limited for the erection of up to 425 dwellings (detailed first phase of 129 dwellings with the remainder of the site being outline including details of access), convenience store of up to 400 sqm gross together with the erection of formal and informal open space including allotments, infrastructure provision and associated work together with means of access onto Westwood Heath Road and agricultural access onto Bockendon Lane.

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 (H42) for the construction of 425 dwellings and a convenience store of up to 400 sq.m., including the first detailed phase for 129 dwellings and two new accesses off Westwood Heath Road, together with the necessary infrastructure and associated works, including the provision of open spaces and SUD's 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 were considered to be acceptable in terms of car parking and highway safety. While the scale of the development resulted in an impact on the setting of the heritage asset (scheduled monument - The Moat) this impact equated to less than substantial harm against which was weighed the public benefits of the proposals. The development was therefore considered acceptable in this regard. Furthermore, the proposals were considered to be acceptable in ecological 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.

Notwithstanding the partial outline nature of these proposals, officers were satisfied, based on the illustrative layouts submitted and the parameters plans, that the site was capable of being developed for this number of dwellings and the convenience store without causing material harm to neighbouring amenity or the general character of the surrounding area.

## PLANNING COMMITTEE MINUTES (Continued)

Suitable conditions were recommended regarding the phasing of the development.

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 be granted.

An addendum circulated at the meeting advised that an additional condition was proposed to require the submission of a management plan prior to the commencement of development for the area of open space along the southern edge of the application site, in order to protect the scheduled ancient monument (the Moat) in the vicinity of the application site. The addendum also provided a response from WCC Archaeology, provided clarification on the S106 contributions and advised that additional third party representations had been received along with revised drawings from the applicant.

The Development Services Manager advised Members that the proposals included SUDs (Sustainable Urban Drainage Scheme) within the site and that further details would come forward as part of detailed submissions.

The following people addressed the Committee:

- Mr Taylor, Burton Green Parish Council, objecting;
- Ms Millar, Secretary of the Westwood Heath Residents Association, objecting;
- Mr Kashi, objecting;
- Mr Pimpalnerkar, objecting;
- Mr Dunlop, supporting;
- Mr Kitching, supporting;
- Councillor Skinner, Ward Councillor representing Coventry City Council;
- Councillor Illingworth, Ward Councillor, Warwick District Council.

The Committee received advice on highways, infrastructure, air pollution and S106 contributions from County Council officers, Mr Seddon from Coventry City Council and the Legal Officer, Mrs Gutteridge. Mr Butler from WDC also advised on housing numbers and the unmet need of Coventry City Council.

Members raised a concern that there was only one bungalow out of 425 dwellings within the housing mix and requested that the applicant be reminded of the importance of the provision of particular housing types.

Mrs Neale, from Warwickshire County Council also provided assurance that discussions were ongoing with Coventry and Warwickshire schools and the developers in relation to sufficient school provision.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Day that the application should be granted, subject to the additional condition outlined in the addendum and a note to the applicant regarding the housing mix.

**Resolved** that W/17/2357 be granted subject to the following conditions and note to applicant:

**PLANNING COMMITTEE MINUTES (Continued)**

- (1) the development hereby permitted in detail (i.e. the means of access and the detailed first phase of 129no. dwellings, landscaping, SUD's and open space) must be begun not later than the expiration of three years from the date of this permission. The development hereby permitted in outline must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
  
- (2) with the exception of the detailed first phase of 129no. dwellings and associated access, servicing, highway works, parking, footpaths, cycleways, public realm and other related works, this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced on each subsequent phase of development:-
  - (a) Appearance
  - (b) landscaping (other than the structural landscaping hereby approved)
  - (c) layout
  - (d) scale**Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended);
  
- (3) in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority, for each phase of the development, not later than the expiration of three years beginning with the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
  
- (4) in the case of the reserved matters specified above, development shall begin within three years of the date of this permission or within two years of the final approval of the reserved

**PLANNING COMMITTEE MINUTES (Continued)**

matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

- (5) the development hereby permitted in detail (i.e. the means of access and the detailed first phase of 129no. dwellings, landscaping, SUD's and open space) shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7842/P103 DR5, 7842/P120 DR2, 7842/P151.1 DR5, 7842/P151.2 DR5, 7842/P152.1 DR1, 7842/P152.2 DR1, 7842/P162.1 DR4, 7842/P162.2 DR5, 7842/P162.4 DR4, 7842/P166.3 DR4, 7842/P166.4 DR5, 7842/P166.5 DR5, 7842/P168.1 DR4, 7842/P168.2 DR3, 7842/P168.3 DR3, 7842/P169.1 DR4, 7842/P169.2 DR4, 7842/P170.1 DR4, 7842/P170.2 DR4, 7842/P170.3 DR4, 7842/P171.1 DR5, 7842/P171.2 DR4, 7842/P171.3 DR4, 7842/P171.4 DR1, 7842/P174.1 DR4, 7842/P174.2 DR5, 7842/P175.1 DR1, 7842/P175.2 DR1, 7842/P175.3 DR1, 7842/P176.2 DR1, 7842/P176.4 DR1, 7842/P177.1 DR1, 7842/P177.2 DR1, 7842/P190.1 DR1, 7842/P190.3 DR2, 7842/P190.4 DR3, 7842/P190.5 DR3, 7842/P190.6 DR3, 7842/P190.7 DR3, 7842/P190.9 DR2 and specification contained therein, submitted on 8 December 2017 and revised drawings 7842/P172.1 DR5, 7842/P172.2 DR5, 7842/P173.1 DR4, 7842/P173.2 DR6, 7842/P176.1 DR2, 7842/P176.3 DR2, 7842/P101 DR10, 7842/P102 DR10, 7842/P105 DR8, 7842/P106 DR8, 7842/P107 DR8, 7842/P108 DR8, 7842/P109 DR8, 7842/P110 DR8, 7842/P111 DR9, 7842/P112 DR8 and specification contained therein, submitted on 12 April 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;
- (6) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted in detail (i.e. the means of access and the detailed first phase of 129no. dwellings, landscaping, SUD's and open space) until samples of the external facing materials to be used have been submitted to and

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (7) no phase of development hereby permitted shall commence until a detailed surface water drainage scheme for that phase, 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:
- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
  - 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, 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.

## PLANNING COMMITTEE MINUTES (Continued)

- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
- 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;

- (8) no phase of development hereby permitted shall commence until a strategy to manage and maintain any construction materials from entering or silting up the ditch network for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. Details to ensure that no silt or chemicals can leave the phase being constructed shall be provided and any detrimental impact to the ditch network shall be repaired. **Reason:** To ensure the development does not have impacts off site to flood risk and that the ditch network downstream can function as intended;
- (9) no phase of development hereby permitted shall commence until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. 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

**PLANNING COMMITTEE MINUTES (Continued)**

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) and Policy NE2 of the Warwick District Local Plan 2011-2029;

- (10) no phase of development hereby permitted shall commence until a Protected Species Contingency Plan for that phase has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a) Details on safeguarding Dormice during construction and post development – development licence and appropriate mitigation strategy, changes in proposed layout highly likely.
  - b) Further bat survey of the trees (if final plans show trees to be removed or significant period lapses) in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
  - c) A pre-commencement badger survey carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
  - d) If it is not included in the S106 – a scheme to provide off-site mitigation for skylarks.

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

- (11) no phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase 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



## PLANNING COMMITTEE MINUTES (Continued)

management, such as water bodies, native species planting, wildflower grassland, woodland creation/enhancement, 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 NPPF and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (12) no phase of development hereby permitted shall commence until adequate measures have been taken to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Site Black Waste Wood, during development. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a sufficient buffer zone between the development / associated works and the boundary of the LWS. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora. **Reason:** To ensure the protection of important habitats during development;
- (13) no phase of 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, *in particular the three veteran trees*, and hedges to be retained on site, for that phase, has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

**PLANNING COMMITTEE MINUTES (Continued)**

(14) no phase of development hereby permitted shall commence until a detailed lighting scheme for that phase has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife.

This could be achieved in the following ways:

- a) the brightness of lights should be as low as legally possible
- b) lighting should be timed to provide some dark periods
- c) connections to areas important for foraging should contain unlit stretches

The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

(15) no phase of development hereby permitted shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work for that phase in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

(16) no phase of development hereby permitted (including any works of demolition) shall commence until a construction method statement for that phase 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

## PLANNING COMMITTEE MINUTES (Continued)

- the site and for the turning and unloading and loading of vehicles within the site during 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:
  - o 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.
  - o 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, TR3 and NE5 of the Warwick District Local Plan 2011-2029;

- (17) an application for the approval of a construction phasing plan for the development

**PLANNING COMMITTEE MINUTES (Continued)**

shall be submitted before the expiry of three years from the date of this permission. The development shall thereafter be carried out in accordance with the phases established in the phasing plan as approved by the local planning authority. **Reason:** To ensure the proper phasing of the development;

(18) no phase of development hereby permitted shall commence until: -

1. (a) A site investigation for that phase 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.

## PLANNING COMMITTEE MINUTES (Continued)

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 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 safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

- (19) no phase of development hereby permitted shall commence until a scheme of mitigation for that phase, 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, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter.

**Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (20) noise arising from any plant or equipment at these premises, when measured one metre

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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 ensure there would be no unacceptable disturbance to the detriment of the amenities of the occupiers of the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

(21) the development permitted in detail by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) *Westwood Heath Road, Coventry FRA\_WHR-BWB-EWE-XX-RP-EN-0002-FRA\_May 2017* and approved Drainage Strategy *Westwood Heath Road, Coventry\_Reuby and Stagg\_10210\_August 2017* and in particular the following mitigation measures detailed within the FRA and Drainage Strategy:

- 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 68.4 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the FRA of 4745m<sup>3</sup> 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.

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;



## PLANNING COMMITTEE MINUTES (Continued)

- (22) no phase of development hereby permitted shall commence until a scheme for the provision of adequate water supplies and fire hydrants for that phase, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority". **Reason:** In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters;
- (23) the subsequent Reserved Matters applications for any phase of the development shall be submitted in general accordance with the approved Site Wide Design Code Document embodied within the Design and Access Statement including Design Coding dated May 2018 and prepared by Crest Nicholson for the approved development unless otherwise agreed in writing or superseded with an updated/revised Design Code Document. **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, BE2 and BE3 of the Warwick District Local Plan 2011-2029;
- (24) the landscaping scheme submitted as part of the application hereby permitted in detail shall be completed, in all respects, not later than the first planting season following the completion of the foodstore hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **Reason:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;
- (25) the landscaping scheme(s) approved under any subsequent reserved matters application shall be completed, in all respects, not later than the first planting season following the completion of the foodstore hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those

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originally required to be planted. **Reason:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

(26) The development shall not be occupied until the public highway at Westwood Heath Road has been improved so as to provide for the site access in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority, as shown indicatively on plans 7842/P101 Rev.DR10, 7842/P102 Rev.DR10, 7842/P108 Rev.DR8 and 7842/P109 Rev.DR8. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

27 The layout of the estate roads serving the development [including footways, verges and footpaths] 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.

28 No dwelling shall be occupied until the estate roads [including footways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

29 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; and





## PLANNING COMMITTEE MINUTES (Continued)

(30) the submission of a management plan is required, prior to the commencement of development for the area of open space along the southern edge of the application site in order to protect the scheduled ancient monument (the Moat) in the vicinity of the application site.

**Note to applicant:** The applicant is requested to work with officers to ensure that the housing mix includes further provision of bungalows.

(At 7.34 pm the Chairman announced a short comfort break whilst the public gallery was cleared of visitors)

### **26. W/18/0632 – Abbey Farm, Ashow Road, Ashow**

The Committee considered an application from Mr and Mrs Burdett for the erection of a single storey extension to an existing annex to form a new dwelling house (Use Class C3).

This application was taken in conjunction with W/18/0633LB which dealt with the listed building consent for the proposal (see Minute Number 27).

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

The officer was of the opinion that the application proposed an extension to an existing building located within the Green Belt. National policy stated that extensions were required to be proportionate. Local Plan policy H14 stated that a 30% increase in the gross floor area of an existing building was not considered to be disproportionate. The proposed extension represented a 30% increase on floor area of the existing property and was considered acceptable. Furthermore, the site was located within a limited growth village which meant isolated dwellings would not be formed within the green belt, in accordance with paragraph 55 of the NPPF.

The sub division of the plot was considered acceptable together with the extensions and the impact on the setting of the listed building would be neutral.

In overall terms, the revised proposals were considered to have overcome the previous reasons for refusal and it was recommended that planning permission should be granted.

An addendum circulated at the meeting advised that the Conservation Advisory Forum (CAF) had recommended the refusal of these applications. They considered that the development and associated 'domestication' failed to integrate with the curtilage of the Listed barn and setting of the Listed building; and did not preserve or enhance the character of the Conservation Area and the site's integrity/quintessential rural character. In addition, CAF was concerned that granting this application would set a precedent for similar proposals in the District and further lessen the validity of existing conservation guidance.

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

The following people addressed the Committee:

- Mr Elliot-Higgitt, objecting;
- Mr Fryer, objecting;
- Ms Burdett, supporting; and
- Councillor Mrs Cain, District Councillor, objecting.

Members raised concerns that there was insufficient space for vehicles to exit the driveway in a forward gear and were mindful of the objection made by the Conservation Officer. The Legal Officer reminded Members that the Highways Authority had raised no objection to 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 Morris and seconded by Councillor Mrs Stevens that the application should be refused, contrary to the officer's recommendation.

**Resolved** that W/18/0632 be refused because it was contrary to Local Plan Policy HE1 and the NPPF. The proposal was deemed to cause less than substantial harm to the character and appearance of the Conservation Area and the curtilage listed building and no public benefits sufficient to outweigh the harm have been identified.

### **27. W/18/0633 LB – Abbey Farm, Ashow Road, Ashow**

The Committee considered an application from Mr and Mrs Burdett for the erection of a single storey extension to an existing annex to form a new dwelling house (Use Class C3).

This application was taken in conjunction with W/18/0632 which dealt with the planning permission for the proposal (see Minute Number 26).

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

The officer stated in their conclusion that the application was for an extension to an existing garage building / annexe which was located within the grounds of a listed farmhouse and associated curtilage listed buildings. The design of the proposed extension had been revised to reflect the character of the existing building and therefore would have a neutral impact on the setting of the listed building. Due to the location of the proposed extension only oblique views would be possible of the extension due to the dense shrub and tree planting along the road boundary and the existing buildings on the site obscuring views.

Therefore, the erection of the proposed extension was considered to be acceptable.

An addendum circulated at the meeting advised that the Conservation Advisory Forum (CAF) had recommended the refusal of these applications. It considered that the development and associated 'domestication' failed to integrate with the curtilage of the Listed barn and setting of the Listed building; and did not preserve or enhance the character of the Conservation

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

Area and the site's integrity/quintessential rural character. In addition, CAF was concerned that granting this application would set a precedent for similar proposals in the District and further lessen the validity of existing conservation guidance.

The following people addressed the Committee:

- Mr Elliot-Higgitt, objecting;
- Mr Fryer, objecting;
- Ms Burdett, supporting; and
- Councillor Mrs Cain, District Councillor, objecting.

Members raised concerns that there was insufficient space for vehicles to exit the driveway in a forward gear and were mindful of the objection made by the Conservation Officer. The Legal Officer reminded Members that the Highways Authority had raised no objection to 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 Morris and seconded by Councillor Mrs Stevens that the application should be refused, contrary to the officer's recommendation.

**Resolved** that W/18/0633 LB be refused because it was contrary to Local Plan Policy HE1 and the NPPF. The proposal was deemed to cause less than substantial harm to the character and appearance of the Conservation Area and the curtilage listed building and no public benefits sufficient to outweigh the harm have been identified.

### **28. W/18/0803 – 17 Gaveston Road, Royal Leamington Spa**

The Committee considered an application from Chas Khehra for the change of use from a single dwelling house (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4).

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

The officer was of the opinion that the existing area had an extremely low concentration of HMOs and it was considered that an additional HMO would not result in material harm to the living conditions of local residents.

The 'Vehicle Parking Standards' SPD (2007) included a requirement of one parking space per two bedrooms for HMOs. On that basis, three off-street spaces would be required for the proposed use. The existing use required two spaces and there was therefore a shortfall of one off road car parking space. However, the application property was located on the edge of the Town Centre, off a main road (Rugby Road), with many services (including public transport) and facilities within easy walking or cycling distance. The site was therefore felt to be in a sustainable location.

In addition, the officer had concluded that there was no substantive evidence to suggest that the increase in demand by one space would

## PLANNING COMMITTEE MINUTES (Continued)

worsen the existing on-street parking provision to the degree that it would directly result in adverse impact on on-street parking, residential amenity or highway safety.

Having regard to all of the considerations, it was considered that the proposed development would not result in unacceptable harm, the proposal was considered to accord with all of the relevant policies and was recommended for approval, subject to conditions.

An addendum circulated at the meeting advised that over 35 objections had been received on a number of grounds including highway safety and parking, the unsuitability of the property and the addition of an HMO in a family-orientated street, causing disruption.

It also stated that a parking survey had been submitted from the Gaveston Road, Gretheed Road and Freemans Close Residents' Association. In addition, it outlined the internal dimensions of the garage and advised that WCC Highways had not objected to the application on highway safety grounds.

The following people addressed the Committee:

- Councillor Knight, Royal Leamington Spa Town Council, objecting;
- Ms Precious, objecting; and
- Councillor Gifford, Ward Councillor, objecting.

Mr Sim from WCC Highways addressed Members and provided the technical note which had been received following consideration of the parking survey. He advised Members that as a residential dwelling, the property required two parking spaces and as an HMO it needed three spaces. However, there was unrestricted parking at the site and the Police had the measures to award penalty notices where appropriate. He did not feel that the parking issues were caused solely by residents but by the school users as well. He assured the Committee that the County Council's Safer Routes to School team were working with the local school.

Members were mindful that the proposal complied with the HMO Policy but did not feel that the parking situation was acceptable.

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 Bunker that the application should be refused contrary to the officer's recommendation.

**Resolved** that W/18/0803 be refused because it does not comply with Local Plan policies BE3 and TR3.

### 29. **W/18/0434 –6 Parsonage Close, Bishop's Tachbrook**

The Committee considered an application from Mr Hall for the erection of a first floor front extension over the existing garage.

The application was presented to Committee because eleven letters of support had been received and officers were recommending refusal.

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

The officer was of the opinion that while the amenity of neighbours would not be adversely affected, the harm that would be caused to the appearance and character of the subject property and the uniformity of the group of four houses that it was part of would be significant, as set out in the report, and therefore the application was recommended for refusal.

An addendum circulated at the meeting advised that a comment by a previous objector had been raised stating that extensions undertaken to houses in the Close either had no impact from the front view or had retained the original roof style.

The following people addressed the Committee:

- Mr Hall, supporting;
- Ms Hall, supporting; and
- Councillor Noone, District Councillor, supporting.

Members felt that this property was set back slightly from the other three properties and did not seem to form a uniform group. In addition, due to its location it would not have a detrimental impact on the existing development.

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 Barrott that the application should be granted, contrary to the officer's recommendation. It was agreed that the permission should be subject to the necessary conditions, the wording of which would be delegated to officers.

**Resolved** that W/18/0434 be granted with conditions because the extension would not be harmful to the street scene and would not be contrary to Policy BE1.

### **30. W/18/0842 – 2 Oaks Precinct, Caesar Road, Kenilworth**

The Committee considered an application from Mrs Harrison for the change of use from retail (Use Class A1) to podiatry advice centre (Use Class D1).

The application was presented to Committee because there had been over five letters of support received, the Ward Member supported the application and officers were recommending refusal.

The officer was of the opinion that Policy TC17 of the Warwick District Local Plan 2011-2029 sought to protect the designated Local Shopping Centres by resisting a move away from A1 retail uses. It stated that the change of use from A1 to a non- A Class Use would only be supported where it could be demonstrated that the proposed use met an important unmet local need.

The submitted information was not considered to adequately demonstrate that the change of use from A1 to D1 was required to meet an important unmet local need that justified the loss of a retail unit within this Local Shopping Centre. The development was therefore felt to be contrary to

## PLANNING COMMITTEE MINUTES (Continued)

Policy TC17 of the Warwick District Local Plan 2011-2029 and was recommended for refusal.

An addendum circulated at the meeting detailed additional information from the applicant relating to the proposed occupier, appointment availability and reasons why the existing Chiropractic Clinic being used was not suitable.

The following people addressed the Committee:

- Ms Harrison, supporting;
- Councillor Mrs Cain, Ward Councillor, supporting.

Members queried whether there was any evidence of marketing the unit as an A1 Use Class. Officers confirmed this had been evidenced but it was not known how long it had been marketed for.

The Legal Officer provided clarification on policy TC17 which stated that the premise had to have been empty for at least one year and marketed for nine months. In addition, the application had to provide evidence that there was an unmet local need.

It was proposed and duly seconded that the application be granted, contrary to the officer's recommendation, because the business would be providing a local need and had been empty for a considerable time.

On being put to the vote, the proposal was lost.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Cooke and seconded by Councillor Barrott that the application should be deferred to seek evidence of marketing and the unmet local need.

**Resolved** that W/18/0842 be deferred to seek evidence of marketing and unmet local need.

### 31. **W/18/0480 – 10 Vicarage Road, Stoneleigh**

The Committee considered an application from Mr and Ms Storer and Lowe for the erection of a single storey side extension plus demolition and rebuilding of existing rear extension from porch to garden room.

The application was presented to Committee because Stoneleigh Parish Council supported the proposal and officers were recommending refusal.

The officer was of the opinion that while the proposed extensions were considered to be appropriate development within the Green Belt, and would not cause harm to the amenity of neighbours, the side extension would cause harm to the appearance and significance of the Listed Building, the street scene, the Conservation Area and the setting of other nearby Heritage Assets. This harm was not outweighed by any public benefits and therefore the application was recommended for refusal.

Ms Lowe addressed the Committee in support of the proposals.

## PLANNING COMMITTEE MINUTES (Continued)

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

**Resolved** that W/18/0480 be refused for the following reason:

- (1) the proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed side extension would be seriously detrimental to the character, appearance and significance of both the building itself and the Conservation Area as a whole as well as the setting of other nearby Heritage Assets by reason of its scale, design, width and depth.

The development is thereby considered to be contrary to Policy HE1 of the Warwick District Local Plan 2011-2029.

### **32. W/18/0481 LB – 10 Vicarage Road, Stoneleigh**

The Committee considered an application from Mr and Ms Storer and Lowe for the erection of a single storey side extension plus demolition and rebuilding of existing rear extension from porch to garden room.

The application was presented to Committee because Stoneleigh Parish Council supported the proposal and officers were recommending refusal.

The officer was of the opinion that the proposed side extension would cause harm to the appearance and significance of Listed Building and the Conservation Area and the setting of other nearby Heritage Assets. This harm was not outweighed by any public benefits and therefore the application was recommended for refusal.

Ms Lowe addressed the Committee in support of the application.

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

**Resolved** that W/18/0481 LB be refused for the following reason:

- (1) the proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed side extension would be seriously detrimental to the character, appearance and significance of both the building itself and the Conservation Area as a whole as well as the setting of other nearby Heritage Assets by reason of its scale, design, width and depth.

## PLANNING COMMITTEE MINUTES (Continued)

The development is thereby considered to be contrary to Policy HE1 of the Warwick District Local Plan 2011-2029.

### 33. **W/18/0570 – 1 Bell Tower Mews, Woodcote Road, Royal Leamington Spa**

The Committee considered an application from Mr and Mrs Tyagi for the erection of single and two storey rear extensions.

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

The officer was of the opinion that the application proposals were complimentary in design to the main house, the immediate setting and the Conservation Area, and would not cause a material increase in harm to the amenity of neighbouring properties or gardens, subject to condition. The proposals and their method of construction and other tree protection measures would ensure no harm to the Protected Wellingtonia tree, and would not be unduly harmful to other Conservation Areas Trees (subject to working in accordance with the Tree Report to be conditioned) and therefore the application was recommended for approval.

The following people addressed the Committee:

- Ms Dunbar, objecting; and
- Mr Connor, objecting.

Members noted the communication received from the applicant advising that he and his wife were prepared to reduce the depth of the rear extension if requested. Officers advised that this was something that could be discussed, in conjunction with the Chairman.

The Legal Officer reminded Members that they had to consider the application in front of them and bear in mind that officers may not be successful in their negotiations.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Edgington that the application should be granted, in accordance with the recommendation in the report, with authority delegated to officers to enter into negotiations with the applicant regarding their offer of reducing the depth of the extension.

**Resolved** that W/18/0570 be granted subject to the following conditions:

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





## PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 062017-PL-01 Rev A and 062017-PL-02 Rev A, and specification contained therein, submitted on 21st March 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) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) the works hereby permitted shall be carried out only in strict accordance with the details shown on the approved plans and in accordance with the findings and recommendations of the Arboricultural Survey Submitted on 21st March 2018, entitled 'Pre-Development Arboricultural Survey and Impact Assessment, Report No RT-MME-126998 Rev A ', updated in January 2018 by MiddleMarch Environmental. **Reason:** To ensure that any works are carried out only in strict accordance with the terms of this permission in the interests of visual amenities of the locality in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029; and
- (5) prior to the occupation of the development hereby permitted, the first floor en suite side window in the west side elevation of the approved extension shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.



**PLANNING COMMITTEE MINUTES (Continued)**

**34. W/18/0771 – The Clangers, 28 Snitterfield Lane, Norton Lindsey**

The Committee considered an application from Mr Edwards for the demolition of an existing dwelling house and erection of a replacement dwelling house.

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

The report advised that Policy H13 of the Local Plan stated that the one for one replacement of an existing dwelling in a rural area was acceptable where the existing dwelling was structurally unsound or of poor architectural design and did not add to the rural character of the area. The existing dwelling was of poor architectural merit and did not add to the rural character of the landscape. In this respect, Officers were satisfied that the proposal to replace the building accorded with the requirements of Policy H13.

In floor space terms, the proposed dwelling was 9% larger than the existing property which was considered not to be materially larger and therefore the proposal constituted appropriate development in the Green Belt in accordance with Para 89 of the NPPF. Officers were satisfied that the development was acceptable in principle subject to a condition requiring the removal of the existing dwelling prior to the occupation of the proposed dwelling and an assessment of the site specific matters including impact on the openness of the Green Belt, impact on the character of the surrounding area and adjacent properties, access and parking, trees and hedgerows, ecology and water efficiency.

An addendum circulated at the meeting advised that an additional condition had been proposed to remove permitted development rights within the site for extensions and new buildings.

Councillor Mace-Leska, Norton Lindsey Parish Council, addressed the Committee in objection to the proposals.

Members raised concerns that application was contrary to the Council's policies on the Green Belt and would have an impact on openness. In addition, it was not felt that the design was of a satisfactory standard.

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

**Resolved** that W/18/0771 be refused because it did not comply with the Council's Policies relating to the Green Belt in particular Policy H13 relating to replacement dwellings in a rural area and would be harmful to the openness of the Green Belt.

**35. W/18/0854 – 17 Cobden Avenue, Royal Leamington Spa**



## PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Mr Tura for a change of use from single dwelling house (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4).

The application was presented to Committee due to the number of objections received including one from Royal Leamington Spa Town Council.

The officer was of the opinion that the principle of a change of use to a small HMO (Use Class C4) was considered acceptable as it complied fully with Policy H6 of the Warwick District Local Plan 2011-2029. The comments regarding parking were noted, however, the existing house required two off road parking spaces and the proposed use required two off road parking spaces. Therefore, there was no net increase in the parking provision required and officers felt that the application accorded with Policy TR3 & H6 of the Local Plan and the Vehicle Parking Standards SPG.

Councillor Knight, Royal Leamington Spa Town Council, addressed the Committee in objection to the application.

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

**Resolved** that W/18/0854 be granted subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 2nd May 2018 and plan layout submitted on 10th May 2018 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) all waste bins associated with the property shall be stored within the garage at all times with the exception of collection day. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3 & H6 of the Warwick District Local Plan 2011-2029.

**PLANNING COMMITTEE MINUTES (Continued)**

**36. W/18/0138 – Land on the South East side of Radford Semele**

The Committee considered an application from Bovis Homes Limited for the variation of Condition 1 of planning permission W/17/0152, to replace reference to approved drawing RAD 2-05-002 rev B with reference to the following drawing numbers, in order to reflect changes in the finished levels across the site:

Private Drainage & External Works, Sheet 1 of 6, Dwg No. RAD2-05-P180 rev C Private Drainage & External Works, Sheet 2 of 6, Dwg No. RAD2-05-P181 rev D Private Drainage & External Works, Sheet 3 of 6, Dwg No. RAD2-05-P182 rev C Private Drainage & External Works, Sheet 4 of 6, Dwg No. RAD2-05-P183 rev C Private Drainage & External Works, Sheet 5 of 6, Dwg No. RAD2-05-P184 rev D Private Drainage & External Works, Sheet 6 of 6, Dwg No. RAD2-05-P185 rev C.

The application was presented to Committee because of the number of objections received. The application had been deferred at the Planning Committee in May 2018 in order to seek additional information from the applicants in the form of cross sections and street scene drawings to demonstrate how the level changes affected the overall appearance of the site. Additional detailed drainage information was also requested as per the requirements of the County Flood Team.

These drawings and information had been submitted and were incorporated into the presentation for consideration by Members of the Planning Committee.

The report advised that the proposal sought to vary condition 1 of a previous approval to regularise the as-built levels on the site compared to those approved under W/17/0152.

In assessing the proposal, officers were satisfied that the variation of the condition to allow variations to levels across the site and the revised levels did not result in any significant harm to the character and amenity of the area, amenity of neighbours, highway safety or matters of ecological importance.

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

**Resolved** that W/18/0138 be granted subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings RAD2/02/210, RAD2/02/250, HTPD\_P2B\_AFF, HTPD\_S110, HTPD\_S241 LTH\_1, HTPD\_S351 LTH\_1, HTPD\_S351 LTH\_3, HTPD\_S461\_1, HTPD\_S461\_3, HTPD\_P2301 1 OF 2, HTPD\_P2301 2 OF 2, HTPD\_P2B, HTPD\_P3407, HTPD\_C3003CT 1 OF 2, HTPD\_C3003CT 2 OF 2

## PLANNING COMMITTEE MINUTES (Continued)

2, HTPD\_P3003v, HTPD\_P3402 1 OF 2, HTPD\_P3402 2 OF 2, HTPD\_P4501 1 OF 2, HTPD\_P4501 2 OF 2, HTPD\_P506 1 OF 2, HTPD\_P506 2 OF 2, HTPD\_P507 1 OF 3, HTPD\_P507 2 OF 3, HTPD\_P507 3 OF 3, HTPD\_P602 1 OF 3, HTPD\_P602 2 OF 3, HTPD\_P602 3 OF 3, RAD2/02/120 rev B, RAD2/02/290, RAD2/02/280 rev B and specification contained therein, submitted on 20 April 2017, approved drawings PD\_AGD2-1 rev A, PD\_AGS2-2 rev A, PD\_AGS2-1 rev A, RAD2/02/230 rev C, RAD2/02/240 rev C and RAD2/02/260 rev C and specification contained therein, submitted on 15 May 2017, approved drawings RAD2-05-001 rev B, RAD2-05-003 rev B, RAD2-05-005 rev A, RAD2-05-006 rev A and specification contained therein, submitted on 2 June 2017, approved drawings PD\_AGT2-2 rev B and PD\_AGT2-1 rev B and specification contained therein, submitted on 6 July 2017, approved drawing RAD2-02-300 and specification contained therein, submitted on 10 July 2017, approved drawings RAD2-03-100 Rev.E 1 of 5, RAD2-03-100 Rev.E 2 of 5, RAD2-03-100 Rev.E 3 of 5, RAD2-03-100 Rev.E 4 of 5, RAD2-03-100 Rev.E 5 of 5 and RAD2-03-101 Rev.D and specification contained therein, submitted on 14 July 2017, approved drawing RAD2-02-750 Rev.A and specification contained therein, submitted on 18 July 2017, approved drawing RAD2/02/100 rev G and specification contained therein, submitted on 19 July 2017 and RAD2-05-P180 Rev C, RAD2-05-P181 Rev D, RAD2-05-P182 Rev C, RAD2-05-P183 Rev C, RAD2-05-P184 Rev D and RAD2-05-P185 Rev C and and specification contained therein, submitted on 30 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;

- (2) no part of the development hereby permitted shall be commenced until a revised Biodiversity Impact Assessment (BIA) calculation has been undertaken by a suitably qualified ecologist and the report detailing the findings submitted to and approved in writing by the Local Planning Authority. **Reason:** To safeguard the presence and population of protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;

**PLANNING COMMITTEE MINUTES (Continued)**

- (3) the landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of each phase of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted.  
**Reason:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;
- (4) the development hereby permitted shall be carried out in strict accordance with the updated details of surface and foul water drainage works submitted to 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 Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;
- (5) the development shall not be occupied until the emergency access onto the C91 Offchurch Road has been constructed to include provision for pedestrian access including appropriate dropped crossings to both the north and south side of the carriageway together with the installation of traffic signs in accordance with the Traffic Signs Manual 4, diagram 562 with sub-plate 563 on the westerly approach to the emergency/pedestrian, together with all other ancillary works, in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (6) no dwelling/building shall be occupied until the estate roads including footways, serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and



## PLANNING COMMITTEE MINUTES (Continued)

- (7) the construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

### 37. **W/18/0774 – 8 Carter Drive, Barford**

The Committee considered an application from Harrison Projects Ltd for the proposed erection of a four bedroom family house and associated garaging and parking.

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

The officer was of the opinion that the proposal would provide an additional dwelling which would not have a harmful impact on neighbouring amenity or the street scene. The proposal was not considered to be harmful to the Conservation Area or setting of any listed buildings. The proposal provided adequate parking and access arrangements and was considered to provide adequate living conditions for the future occupiers of the dwelling. The proposal was therefore recommended for approval.

An addendum circulated at the meeting provided comments made by the applicant's agent in response to Barford Parish Council's concerns. The comments covered various issues including the height of the proposed dwelling, the size of footprint and the location of the proposed property in relation to a nearby tree.

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

**Resolved** that W/18/0744 be granted subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 18/CAR/01/C and block plan, and specification contained therein, submitted on 7th June 2018 and 8th June 2018 respectively. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1



**PLANNING COMMITTEE MINUTES (Continued)**

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

- (3) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy 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;

- (4) 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;

- (5) no part of the development hereby permitted shall be commenced until a scheme for the provision of 1 bat box to be erected on tree/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 shall be installed in accordance with the approved details and maintained in perpetuity. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework



**PLANNING COMMITTEE MINUTES (Continued)**

and Policy NE2 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: the anticipated movements of vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; 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.

**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 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;

- (8) the development hereby permitted shall not commence until details of both hard and soft landscaping works have been submitted to an approved in writing by the Local Authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct

## PLANNING COMMITTEE MINUTES (Continued)

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. Thereafter, the development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (9) no development shall commence until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;
- (10) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for

## PLANNING COMMITTEE MINUTES (Continued)

the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

- (11) the access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** To ensure the protection of highway safety and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (12) 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 its whole length as measured from the near edge of the public highway carriageway. **Reason:** To ensure the protection of highway safety and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (13) the gradient of the access for vehicles to the site shall not be steeper than 1 in 20 for its whole length, as measured from the near edge of the public highway carriageway. **Reason:** To ensure the protection of highway safety and pedestrian safety in accordance with Policies TR1 of the Warwick District Local Plan 2011-2029;
- (14) any fruit tree removed to accommodate the proposed new dwelling in pursuance of this

## PLANNING COMMITTEE MINUTES (Continued)

permission shall be replaced by trees of a similar size and of the same species in a nearby place within the site unless otherwise agreed in writing by the District Planning Authority. **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 NE2 of the Warwick District Local Plan 2011-2029;

- (15) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029; and
- (16) the dwelling shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings (*numbered and dated*) have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR4 of the Warwick District Local Plan 2011-2029.

### 38. **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.

**PLANNING COMMITTEE MINUTES (Continued)**

**39. Public and Press**

**Resolved** that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute No.	Para Nos.	Reason
40	5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**40. Urgent Item – Update on Land South of Gallows Hill, Warwick**

The Committee considered a verbal report from the Development Services Manager, relating to the appeal on application W/17/0699 at Land South of Gallows Hill, Warwick.

The full minute of this item would be detailed in the confidential minutes of the meeting.

Following consideration of the report, it was proposed, duly seconded and

**Resolved** that officers will defend the appeal in line with the advice given at the meeting.

It was agreed by the Chairman that this item would be considered as an urgent item due to the timeframes involved in defending the appeal.

(The meeting ended at 11.28 pm)

